

107TH CONGRESS
1ST SESSION

H. R. 2217

AN ACT

Making appropriations for the Department of the Interior
and related agencies for the fiscal year ending September
30, 2002, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Department of the Interior and related agencies for the
4 fiscal year ending September 30, 2002, and for other pur-
5 poses, namely:

6 TITLE I—DEPARTMENT OF THE INTERIOR

7 BUREAU OF LAND MANAGEMENT

8 MANAGEMENT OF LANDS AND RESOURCES

9 For expenses necessary for protection, use, improve-
10 ment, development, disposal, cadastral surveying, classi-
11 fication, acquisition of easements and other interests in
12 lands, and performance of other functions, including main-
13 tenance of facilities, as authorized by law, in the manage-
14 ment of lands and their resources under the jurisdiction
15 of the Bureau of Land Management, including the general
16 administration of the Bureau, and assessment of mineral
17 potential of public lands pursuant to Public Law 96–487
18 (16 U.S.C. 3150(a)), \$768,711,000, to remain available
19 until expended, of which \$1,000,000 is for high priority
20 projects which shall be carried out by the Youth Conserva-
21 tion Corps, defined in section 250(c)(4)(E)(xii) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985,
23 as amended, for the purposes of such Act; of which
24 \$2,225,000 shall be available for assessment of the min-
25 eral potential of public lands in Alaska pursuant to section

1 1010 of Public Law 96–487 (16 U.S.C. 3150); and of
2 which not to exceed \$1,000,000 shall be derived from the
3 special receipt account established by the Land and Water
4 Conservation Act of 1965, as amended (16 U.S.C. 460l–
5 6a(i)); and of which \$3,000,000 shall be available in fiscal
6 year 2002 subject to a match by at least an equal amount
7 by the National Fish and Wildlife Foundation, to such
8 Foundation for cost-shared projects supporting conserva-
9 tion of Bureau lands and such funds shall be advanced
10 to the Foundation as a lump sum grant without regard
11 to when expenses are incurred; in addition, \$32,298,000
12 for Mining Law Administration program operations, in-
13 cluding the cost of administering the mining claim fee pro-
14 gram; to remain available until expended, to be reduced
15 by amounts collected by the Bureau and credited to this
16 appropriation from annual mining claim fees so as to re-
17 sult in a final appropriation estimated at not more than
18 \$768,711,000, and \$2,000,000, to remain available until
19 expended, from communication site rental fees established
20 by the Bureau for the cost of administering communica-
21 tion site activities: *Provided*, That appropriations herein
22 made shall not be available for the destruction of healthy,
23 unadopted, wild horses and burros in the care of the Bu-
24 reau or its contractors: *Provided further*, That of the
25 amount provided, \$28,000,000 is for “Federal Infrastruc-

ture Improvement”, defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Bureau of Land Management shall be transferred to and merged with this appropriation, and shall remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$700,806,000, to remain available until expended, of which not to exceed \$19,774,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the “Fire Protection” and “Emergency Department of the Interior Firefighting Fund” may be transferred and merged with this appropriation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42

1 U.S.C. 1856d, sums received by a bureau or office of the
2 Department of the Interior for fire protection rendered
3 pursuant to 42 U.S.C. 1856 et seq., protection of United
4 States property, may be credited to the appropriation from
5 which funds were expended to provide that protection, and
6 are available without fiscal year limitation: *Provided fur-*
7 *ther*, That using the amounts designated under this title
8 of this Act, the Secretary of the Interior may enter into
9 procurement contracts, grants, or cooperative agreements,
10 for hazardous fuels reduction activities, and for training
11 and monitoring associated with such hazardous fuels re-
12 duction activities, on Federal land, or on adjacent non-
13 Federal land for activities that benefit resources on Fed-
14 eral land: *Provided further*, That the costs of implementing
15 any cooperative agreement between the Federal govern-
16 ment and any non-Federal entity may be shared, as mutu-
17 ally agreed on by the affected parties: *Provided further*,
18 That in entering into such grants or cooperative agree-
19 ments, the Secretary may consider the enhancement of
20 local and small business employment opportunities for
21 rural communities, and that in entering into procurement
22 contracts under this section on a best value basis, the Sec-
23 retary may take into account the ability of an entity to
24 enhance local and small business employment opportuni-
25 ties in rural communities, and that the Secretary may

1 award procurement contracts, grants, or cooperative
2 agreements under this section to entities that include local
3 non-profit entities, Youth Conservation Corps or related
4 partnerships, or small or disadvantaged businesses: *Pro-*
5 *vided further*, That funds appropriated under this head
6 may be used to reimburse the United States Fish and
7 Wildlife Service and the National Marine Fisheries Service
8 for the costs of carrying out their responsibilities under
9 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
10 seq.) to consult and conference, as required by section 7
11 of such Act in connection with wildland fire management
12 activities.

13 CENTRAL HAZARDOUS MATERIALS FUND

14 For necessary expenses of the Department of the In-
15 terior and any of its component offices and bureaus for
16 the remedial action, including associated activities, of haz-
17 ardous waste substances, pollutants, or contaminants pur-
18 suant to the Comprehensive Environmental Response,
19 Compensation, and Liability Act, as amended (42 U.S.C.
20 9601 et seq.), \$9,978,000, to remain available until ex-
21 pended: *Provided*, That notwithstanding 31 U.S.C. 3302,
22 sums recovered from or paid by a party in advance of or
23 as reimbursement for remedial action or response activi-
24 ties conducted by the Department pursuant to section 107
25 or 113(f) of such Act, shall be credited to this account
26 to be available until expended without further appropria-

tion: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$11,076,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), \$200,000,000, of which not to exceed \$400,000 shall be available for administrative expenses and of which \$50,000,000 is for the conservation activities defined in section 250(c)(4)(E)(xiii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, \$47,686,000, to be derived from the

1 Land and Water Conservation Fund, to remain available
2 until expended, and to be for the conservation activities
3 defined in section 250(c)(4)(E)(i) of the Balanced Budget
4 and Emergency Deficit Control Act of 1985, as amended,
5 for the purposes of such Act.

6 OREGON AND CALIFORNIA GRANT LANDS

7 For expenses necessary for management, protection,
8 and development of resources and for construction, oper-
9 ation, and maintenance of access roads, reforestation, and
10 other improvements on the revested Oregon and California
11 Railroad grant lands, on other Federal lands in the Or-
12 egon and California land-grant counties of Oregon, and
13 on adjacent rights-of-way; and acquisition of lands or in-
14 terests therein including existing connecting roads on or
15 adjacent to such grant lands; \$105,165,000, to remain
16 available until expended: *Provided*, That 25 percent of the
17 aggregate of all receipts during the current fiscal year
18 from the revested Oregon and California Railroad grant
19 lands is hereby made a charge against the Oregon and
20 California land-grant fund and shall be transferred to the
21 General Fund in the Treasury in accordance with the sec-
22 ond paragraph of subsection (b) of title II of the Act of
23 August 28, 1937 (50 Stat. 876).

1 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND
2 (REVOLVING FUND, SPECIAL ACCOUNT)

3 In addition to the purposes authorized in Public Law
4 102–381, funds made available in the Forest Ecosystem
5 Health and Recovery Fund can be used for the purpose
6 of planning, preparing, and monitoring salvage timber
7 sales and forest ecosystem health and recovery activities
8 such as release from competing vegetation and density
9 control treatments. The Federal share of receipts (defined
10 as the portion of salvage timber receipts not paid to the
11 counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1
12 et seq., and Public Law 103–66) derived from treatments
13 funded by this account shall be deposited into the Forest
14 Ecosystem Health and Recovery Fund.

15 RANGE IMPROVEMENTS

16 For rehabilitation, protection, and acquisition of
17 lands and interests therein, and improvement of Federal
18 rangelands pursuant to section 401 of the Federal Land
19 Policy and Management Act of 1976 (43 U.S.C. 1701),
20 notwithstanding any other Act, sums equal to 50 percent
21 of all moneys received during the prior fiscal year under
22 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
23 315 et seq.) and the amount designated for range improve-
24 ments from grazing fees and mineral leasing receipts from
25 Bankhead-Jones lands transferred to the Department of
26 the Interior pursuant to law, but not less than

1 \$10,000,000, to remain available until expended: *Pro-*
2 *vided*, That not to exceed \$600,000 shall be available for
3 administrative expenses.

4 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

5 For administrative expenses and other costs related
6 to processing application documents and other authoriza-
7 tions for use and disposal of public lands and resources,
8 for costs of providing copies of official public land docu-
9 ments, for monitoring construction, operation, and termi-
10 nation of facilities in conjunction with use authorizations,
11 and for rehabilitation of damaged property, such amounts
12 as may be collected under Public Law 94–579, as amend-
13 ed, and Public Law 93–153, to remain available until ex-
14 pended: *Provided*, That notwithstanding any provision to
15 the contrary of section 305(a) of Public Law 94–579 (43
16 U.S.C. 1735(a)), any moneys that have been or will be
17 received pursuant to that section, whether as a result of
18 forfeiture, compromise, or settlement, if not appropriate
19 for refund pursuant to section 305(c) of that Act (43
20 U.S.C. 1735(c)), shall be available and may be expended
21 under the authority of this Act by the Secretary to im-
22 prove, protect, or rehabilitate any public lands adminis-
23 tered through the Bureau of Land Management which
24 have been damaged by the action of a resource developer,
25 purchaser, permittee, or any unauthorized person, without
26 regard to whether all moneys collected from each such ac-

tion are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44

1 U.S.C. 501, the Bureau may, under cooperative cost-shar-
 2 ing and partnership arrangements authorized by law, pro-
 3 cure printing services from cooperators in connection with
 4 jointly produced publications for which the cooperators
 5 share the cost of printing either in cash or in services,
 6 and the Bureau determines the cooperator is capable of
 7 meeting accepted quality standards, *Provided further*,
 8 That sections 28f and 28g of title 30, United States Code,
 9 are amended:

10 (1) In section 28f(a), by striking the first sen-
 11 tence and inserting, “The holder of each unpatented
 12 mining claim, mill, or tunnel site, located pursuant
 13 to the mining laws of the United States, whether lo-
 14 cated before, on or after the enactment of this Act,
 15 shall pay to the Secretary of the Interior, on or be-
 16 fore September 1, 2002, a claim maintenance fee of
 17 \$100 per claim or site.”; and

18 (2) In section 28g, by striking “and before Sep-
 19 tember 30, 2001” and inserting in lieu thereof “and
 20 before September 30, 2002”.

21 UNITED STATES FISH AND WILDLIFE SERVICE

22 RESOURCE MANAGEMENT

23 For necessary expenses of the United States Fish and
 24 Wildlife Service, for scientific and economic studies, con-
 25 servation, management, investigations, protection, and

1 utilization of fishery and wildlife resources, except whales,
2 seals, and sea lions, maintenance of the herd of long-
3 horned cattle on the Wichita Mountains Wildlife Refuge,
4 general administration, and for the performance of other
5 authorized functions related to such resources by direct
6 expenditure, contracts, grants, cooperative agreements
7 and reimbursable agreements with public and private enti-
8 ties, \$839,852,000, to remain available until September
9 30, 2003, except as otherwise provided herein, of which
10 \$28,000,000 is for “Federal Infrastructure Improve-
11 ment”, defined in section 250(c)(4)(E)(xiv) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985,
13 as amended, for the purposes of such Act: *Provided*, That
14 fiscal year 2001 balances in the Federal Infrastructure
15 Improvement account for the United States Fish and
16 Wildlife Service shall be transferred to and merged with
17 this appropriation, and shall remain available until ex-
18 pended: *Provided further*, That not less than \$2,000,000
19 shall be provided to local governments in southern Cali-
20 fornia for planning associated with the Natural Commu-
21 nities Conservation Planning (NCCP) program and shall
22 remain available until expended: *Provided further*, That
23 \$2,000,000 is for high priority projects which shall be car-
24 ried out by the Youth Conservation Corps defined in sec-
25 tion 250(c)(4)(E) (xii) of the Balanced Budget and Emer-

1 gency Deficit Control Act of 1985, as amended, for the
2 purposes of such Act: *Provided further*, That not to exceed
3 \$8,476,000 shall be used for implementing subsections
4 (a), (b), (c), and (e) of section 4 of the Endangered Spe-
5 cies Act, as amended, for species that are indigenous to
6 the United States (except for processing petitions, devel-
7 oping and issuing proposed and final regulations, and tak-
8 ing any other steps to implement actions described in sub-
9 section (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which
10 not to exceed \$6,000,000 shall be used for any activity
11 regarding the designation of critical habitat, pursuant to
12 subsection (a)(3), for species already listed pursuant to
13 subsection (a)(1) as of the date of enactment this Act:
14 *Provided further*, That of the amount available for law en-
15 forcement, up to \$400,000 to remain available until ex-
16 pended, may at the discretion of the Secretary, be used
17 for payment for information, rewards, or evidence con-
18 cerning violations of laws administered by the Service, and
19 miscellaneous and emergency expenses of enforcement ac-
20 tivity, authorized or approved by the Secretary and to be
21 accounted for solely on her certificate: *Provided further*,
22 That of the amount provided for environmental contami-
23 nants, up to \$1,000,000 may remain available until ex-
24 pended for contaminant sample analyses.

1 CONSTRUCTION

2 For construction, improvement, acquisition, or re-
3 moval of buildings and other facilities required in the con-
4 servation, management, investigation, protection, and uti-
5 lization of fishery and wildlife resources, and the acquisi-
6 tion of lands and interests therein; \$48,849,000, to remain
7 available until expended.

8 LAND ACQUISITION

9 For expenses necessary to carry out the Land and
10 Water Conservation Fund Act of 1965, as amended (16
11 U.S.C. 460l–4 through 11), including administrative ex-
12 penses, and for acquisition of land or waters, or interest
13 therein, in accordance with statutory authority applicable
14 to the United States Fish and Wildlife Service,
15 \$104,401,000, to be derived from the Land and Water
16 Conservation Fund, to remain available until expended,
17 and to be for the conservation activities defined in section
18 250(c)(4)(E)(ii) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985, as amended, for the purposes
20 of such Act: *Provided*, That none of the funds appro-
21 priated for specific land acquisition projects can be used
22 to pay for any administrative overhead, planning or other
23 management costs.

24 LANDOWNER INCENTIVE PROGRAM

25 For expenses necessary to carry out the Land and
26 Water Conservation Fund Act of 1965, as amended (16

1 U.S.C. 460l–4 through 11), including administrative ex-
2 penses, and for private conservation efforts to be carried
3 out on private lands, \$50,000,000, to be derived from the
4 Land and Water Conservation Fund, to remain available
5 until expended, and to be for conservation spending cat-
6 egory activities pursuant to section 251(c) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985, as
8 amended, for the purposes of discretionary spending lim-
9 its: *Provided*, That, hereafter, “Fish and Wildlife Service
10 Landowner Incentive Program” shall be considered to be
11 within the “State and Other Conservation sub-category”
12 in section 250(c)(4)(G) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985, as amended: *Pro-*
14 *vided further*, That the amount provided herein is for a
15 Landowner Incentive Program established by the Sec-
16 retary that provides matching, competitively awarded
17 grants to States, the District of Columbia, Tribes, Puerto
18 Rico, Guam, the United States Virgin Islands, the North-
19 ern Mariana Islands, and American Samoa, to establish,
20 or supplement existing, landowner incentive programs that
21 provide technical and financial assistance, including habi-
22 tat protection and restoration, to private landowners for
23 the protection and management of habitat to benefit feder-
24 ally listed, proposed, or candidate species, or other at-risk
25 species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, \$10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That hereafter, “Fish and Wildlife Service Stewardship Grants” shall be considered to be within the “State and Other Conservation sub-category” in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION

FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543),

1 as amended, \$107,000,000, to be derived from the Cooper-
 2 ative Endangered Species Conservation Fund, to remain
 3 available until expended, and to be for the conservation
 4 activities defined in section 250(c)(4)(E)(v) of the Bal-
 5 anced Budget and Emergency Deficit Control Act of 1985,
 6 as amended, for the purposes of such Act.

7 NATIONAL WILDLIFE REFUGE FUND

8 For expenses necessary to implement the Act of Octo-
 9 ber 17, 1978 (16 U.S.C. 715s), \$16,414,000, of which
 10 \$5,000,000 is for conservation spending category activities
 11 pursuant to section 251(c) of the Balanced Budget and
 12 Emergency Deficit Control Act of 1985, as amended, for
 13 the purposes of discretionary spending limits: *Provided*,
 14 That, hereafter, “Fish and Wildlife Service National Wild-
 15 life Refuge Fund” shall be considered to be within the
 16 “Payments in Lieu of Taxes sub-category” in section
 17 250(c)(4)(I) of the Balanced Budget and Emergency Def-
 18 icit Control Act of 1985, as amended.

19 NORTH AMERICAN WETLANDS CONSERVATION FUND

20 For expenses necessary to carry out the provisions
 21 of the North American Wetlands Conservation Act, Public
 22 Law 101–233, as amended, \$45,000,000, to remain avail-
 23 able until expended, and to be for the conservation activi-
 24 ties defined in section 250(c)(4)(E)(vi) of the Balanced
 25 Budget and Emergency Deficit Control Act of 1985, as
 26 amended, for the purposes of such Act: *Provided*, That,

1 notwithstanding any other provision of law, amounts in
2 excess of funds provided in fiscal year 2001 shall be used
3 only for projects in the United States.

4 NEOTROPICAL MIGRATORY BIRD CONSERVATION

5 For financial assistance for projects to promote the
6 conservation of neotropical migratory birds in accordance
7 with the Neotropical Migratory Bird Conservation Act,
8 Public Law 106–247 (16 U.S.C. 6101–6109), \$5,000,000,
9 to remain available until expended, and to be for conserva-
10 tion spending category activities pursuant to section
11 251(c) of the Balanced Budget and Emergency Deficit
12 Control Act of 1985, as amended, for the purposes of dis-
13 cretionary spending limits: *Provided*, That, hereafter,
14 “Fish and Wildlife Service Neotropical Migratory Bird
15 Conservation” shall be considered to be within the “State
16 and Other Conservation sub-category” in section
17 250(c)(4)(G) of the Balanced Budget and Emergency Def-
18 icit Control Act of 1985, as amended.

19 MULTINATIONAL SPECIES CONSERVATION FUND

20 For expenses necessary to carry out the African Ele-
21 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
22 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
23 phant Conservation Act of 1997 (Public Law 105–96; 16
24 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
25 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great
26 Ape Conservation Act of 2000 (16 U.S.C. 6301),

1 \$4,000,000, to remain available until expended: *Provided*,
2 That funds made available under this Act, Public Law
3 106–291, and Public Law 106–554 and hereafter in an-
4 nual appropriations Acts for rhinoceros, tiger, Asian ele-
5 phant, and great ape conservation programs are exempt
6 from any sanctions imposed against any country under
7 section 102 of the Arms Export Control Act (22 U.S.C.
8 2799aa–1).

9 STATE WILDLIFE GRANTS

10 For wildlife conservation grants to States and to the
11 District of Columbia, Puerto Rico, Guam, the United
12 States Virgin Islands, the Northern Mariana Islands, and
13 American Samoa, under the provisions of the Fish and
14 Wildlife Act of 1956 and the Fish and Wildlife Coordina-
15 tion Act, for the development and implementation of pro-
16 grams for the benefit of wildlife and their habitat, includ-
17 ing species that are not hunted or fished, \$100,000,000,
18 to be derived from the Land and Water Conservation
19 Fund, to remain available until expended, and to be for
20 the conservation activities defined in section
21 250(c)(4)(E)(vii) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985, as amended, for the purposes
23 of such Act: *Provided*, That the Secretary shall, after de-
24 ducting administrative expenses, apportion the amount
25 provided herein in the following manner: (A) to the Dis-
26 trict of Columbia and to the Commonwealth of Puerto

1 Rico, each a sum equal to not more than one-half of 1
2 percent thereof: and (B) to Guam, American Samoa, the
3 United States Virgin Islands, and the Commonwealth of
4 the Northern Mariana Islands, each a sum equal to not
5 more than one-fourth of 1 percent thereof: *Provided fur-*
6 *ther*, That the Secretary shall apportion the remaining
7 amount in the following manner: 30 percent based on the
8 ratio to which the land area of such State bears to the
9 total land area of all such States; and 70 percent based
10 on the ratio to which the population of such State bears
11 to the total population of the United States, based on the
12 2000 United States Census; and the amounts so appor-
13 tioned shall be adjusted equitably so that no State shall
14 be apportioned a sum which is less than 1 percent of the
15 total amount available for apportionment or more than 10
16 percent: *Provided further*, That the Federal share of plan-
17 ning grants shall not exceed 75 percent of the total costs
18 of such projects and the Federal share of implementation
19 grants shall not exceed 50 percent of the total costs of
20 such projects: *Provided further*, That the non-Federal
21 share of such projects may not be derived from Federal
22 grant programs: *Provided further*, That no State, terri-
23 tory, or other jurisdiction shall receive a grant unless it
24 has developed, or committed to develop by October 1,
25 2005, a comprehensive wildlife conservation plan, con-

1 sistent with criteria established by the Secretary of the
2 Interior, that considers the broad range of the State, terri-
3 tory, or other jurisdiction's wildlife and associated habi-
4 tats, with appropriate priority placed on those species with
5 the greatest conservation need and taking into consider-
6 ation the relative level of funding available for the con-
7 servation of those species: *Provided further*, That any
8 amount apportioned in 2002 to any State, territory, or
9 other jurisdiction that remains unobligated as of Sep-
10 tember 30, 2003, shall be reapportioned, together with
11 funds appropriated in 2004, in the manner provided here-
12 in.

13 TRIBAL WILDLIFE GRANTS

14 For wildlife conservation grants to tribes under the
15 provisions of the Fish and Wildlife Act of 1956 and the
16 Fish and Wildlife Coordination Act, for the development
17 and implementation of programs for the benefit of wildlife
18 and their habitat, including species that are not hunted
19 or fished, \$5,000,000, to be derived from the Land and
20 Water Conservation Fund and to remain available until
21 expended, and to be for conservation spending category
22 activities pursuant to section 251(c) of the Balanced
23 Budget and Emergency Deficit Control Act of 1985, as
24 amended, for the purposes of discretionary spending lim-
25 its: *Provided*, That, hereafter, "Fish and Wildlife Service
26 Tribal Wildlife Grants" shall be considered to be within

1 the “State and Other Conservation sub-category” in sec-
2 tion 250(c)(4)(G) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985, as amended.

4 ADMINISTRATIVE PROVISIONS

5 Appropriations and funds available to the United
6 States Fish and Wildlife Service shall be available for pur-
7 chase of not to exceed 74 passenger motor vehicles, of
8 which 69 are for replacement only (including 32 for police-
9 type use); repair of damage to public roads within and
10 adjacent to reservation areas caused by operations of the
11 Service; options for the purchase of land at not to exceed
12 \$1 for each option; facilities incident to such public rec-
13 reational uses on conservation areas as are consistent with
14 their primary purpose; and the maintenance and improve-
15 ment of aquaria, buildings, and other facilities under the
16 jurisdiction of the Service and to which the United States
17 has title, and which are used pursuant to law in connection
18 with management and investigation of fish and wildlife re-
19 sources: *Provided*, That notwithstanding 44 U.S.C. 501,
20 the Service may, under cooperative cost sharing and part-
21 nership arrangements authorized by law, procure printing
22 services from cooperators in connection with jointly pro-
23 duced publications for which the cooperators share at least
24 one-half the cost of printing either in cash or services and
25 the Service determines the cooperator is capable of meet-
26 ing accepted quality standards: *Provided further*, That the

1 Service may accept donated aircraft as replacements for
2 existing aircraft: *Provided further*, That notwithstanding
3 any other provision of law, the Secretary of the Interior
4 may not spend any of the funds appropriated in this Act
5 for the purchase of lands or interests in lands to be used
6 in the establishment of any new unit of the National Wild-
7 life Refuge System unless the purchase is approved in ad-
8 vance by the House and Senate Committees on Appropria-
9 tions in compliance with the reprogramming procedures
10 contained in Senate Report 105–56.

11 NATIONAL PARK SERVICE

12 OPERATION OF THE NATIONAL PARK SYSTEM

13 For expenses necessary for the management, oper-
14 ation, and maintenance of areas and facilities adminis-
15 tered by the National Park Service (including special road
16 maintenance service to trucking permittees on a reimburs-
17 able basis), and for the general administration of the Na-
18 tional Park Service, \$1,480,336,000, of which
19 \$10,869,000 for research, planning and interagency co-
20 ordination in support of land acquisition for Everglades
21 restoration shall remain available until expended, and of
22 which \$75,349,000, to remain available until expended, is
23 for maintenance repair or rehabilitation projects for con-
24 structed assets, operation of the National Park Service
25 automated facility management software system, and com-

1 prehensive facility condition assessments; and of which
2 \$2,000,000 is for the Youth Conservation Corps, defined
3 in section 250(c)(4)(E)(xii) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985, as amended, for
5 the purposes of such Act, for high priority projects: *Pro-*
6 *vided*, That the only funds in this account which may be
7 made available to support United States Park Police are
8 those funds approved for emergency law and order inci-
9 dents pursuant to established National Park Service pro-
10 cedures and those funds needed to maintain and repair
11 United States Park Police administrative facilities: *Pro-*
12 *vided further*, That park areas may reimburse the United
13 States Park Police account for the unbudgeted overtime
14 and travel costs associated with special events for an
15 amount not to exceed \$10,000 per event subject to the
16 review and concurrence of the Washington headquarters
17 office: *Provided further*, That none of the funds in this
18 or any other Act may be used to fund a new Associate
19 Director position for Partnerships.

20 UNITED STATES PARK POLICE

21 For expenses necessary to carry out the programs of
22 the United States Park Police, \$65,260,000.

23 CONTRIBUTION FOR ANNUITY BENEFITS

24 For reimbursement pursuant to provisions of Public
25 Law 85–157, to the District of Columbia on a monthly
26 basis, for benefit payments by the District of Columbia

1 to United States Park Police annuitants under the provi-
2 sions of the Policeman and Fireman's Retirement and
3 Disability Act, to the extent those payments exceed con-
4 tributions made by active Park Police members covered
5 under the Act, such amounts as hereafter may be nec-
6 essary: *Provided*, That hereafter, appropriations made to
7 the National Park Service shall not be available for this
8 purpose.

9 NATIONAL RECREATION AND PRESERVATION

10 For expenses necessary to carry out recreation pro-
11 grams, natural programs, cultural programs, heritage
12 partnership programs, environmental compliance and re-
13 view, international park affairs, statutory or contractual
14 aid for other activities, and grant administration, not oth-
15 erwise provided for, \$51,804,000.

16 URBAN PARK AND RECREATION FUND

17 For expenses necessary to carry out the provisions
18 of the Urban Park and Recreation Recovery Act of 1978
19 (16 U.S.C. 2501 et seq.), \$30,000,000, to remain available
20 until expended, and to be for the conservation activities
21 defined in section 250(c)(4)(E)(x) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985, as amended,
23 for the purposes of such Act.

24 HISTORIC PRESERVATION FUND

25 For expenses necessary in carrying out the Historic
26 Preservation Act of 1966, as amended (16 U.S.C. 470),

1 and the Omnibus Parks and Public Lands Management
2 Act of 1996 (Public Law 104–333), \$77,000,000, to be
3 derived from the Historic Preservation Fund, to remain
4 available until September 30, 2003, and to be for the con-
5 servation activities defined in section 250(c)(4)(E)(xi) of
6 the Balanced Budget and Emergency Deficit Control Con-
7 trol Act of 1985, as amended, for the purposes of such
8 Act: *Provided*, That, of the amount provided herein,
9 \$5,000,000, to remain available until expended, is for a
10 grant for the perpetual care and maintenance of National
11 Trust Historic Sites, as authorized under 16 U.S.C.
12 470a(e)(2), to be made available in full upon signing of
13 a grant agreement: *Provided further*, That, notwith-
14 standing any other provision of law, these funds shall be
15 available for investment with the proceeds to be used for
16 the same purpose as set out herein: *Provided further*, That
17 of the total amount provided, \$30,000,000 shall be for
18 Save America’s Treasures for priority preservation
19 projects, including preservation of intellectual and cultural
20 artifacts, preservation of historic structures and sites, and
21 buildings to house cultural and historic resources and to
22 provide educational opportunities: *Provided further*, That
23 any individual Save America’s Treasures grant shall be
24 matched by non-Federal funds: *Provided further*, That in-
25 dividual projects shall only be eligible for one grant, and

1 all projects to be funded shall be approved by the House
2 and Senate Committees on Appropriations prior to the
3 commitment of grant funds: *Provided further*, That Save
4 America’s Treasures funds allocated for Federal projects
5 shall be available by transfer to appropriate accounts of
6 individual agencies, after approval of such projects by the
7 Secretary of the Interior: *Provided further*, That none of
8 the funds provided for Save America’s Treasures may be
9 used for administrative expenses, and staffing for the pro-
10 gram shall be available from the existing staffing levels
11 in the National Park Service 2003.

12 CONSTRUCTION

13 For construction, improvements, repair or replace-
14 ment of physical facilities, including the modifications au-
15 thorized by section 104 of the Everglades National Park
16 Protection and Expansion Act of 1989, \$349,249,000, of
17 which \$50,000,000 is for “Federal Infrastructure Im-
18 provement”, defined in section 250(c)(4)(E)(xiv) of the
19 Balanced Budget and Emergency Deficit Control Act of
20 1985, as amended, for the purposes of such Act.

21 LAND AND WATER CONSERVATION FUND

22 (RESCISSION)

23 The contract authority provided for fiscal year 2002
24 by 16 U.S.C. 460l–10a is rescinded.

1 LAND ACQUISITION AND STATE ASSISTANCE

2 For expenses necessary to carry out the Land and
3 Water Conservation Act of 1965, as amended (16 U.S.C.
4 460l–4 through 11), including administrative expenses,
5 and for acquisition of lands or waters, or interest therein,
6 in accordance with the statutory authority applicable to
7 the National Park Service, \$261,036,000, to be derived
8 from the Land and Water Conservation Fund, to remain
9 available until expended, and to be for the conservation
10 activities defined in section 250(c)(4)(E)(iii) of the Bal-
11 anced Budget and Emergency Deficit Control of 1985, as
12 amended, for the purposes of such Act, of which
13 \$154,000,000 is for the State assistance program includ-
14 ing \$4,000,000 to administer the State assistance pro-
15 gram: *Provided*, That of the amounts provided under this
16 heading, \$16,000,000 may be for Federal grants to the
17 State of Florida for the acquisition of lands or waters,
18 or interests therein, within the Everglades watershed (con-
19 sisting of lands and waters within the boundaries of the
20 South Florida Water Management District, Florida Bay
21 and the Florida Keys, including the areas known as the
22 Frog Pond, the Rocky Glades and the Eight and One-Half
23 Square Mile Area) under terms and conditions deemed
24 necessary by the Secretary to improve and restore the
25 hydrological function of the Everglades watershed; and

1 \$20,000,000 may be for project modifications authorized
2 by section 104 of the Everglades National Park Protection
3 and Expansion Act: *Provided further*, That funds provided
4 under this heading for assistance to the State of Florida
5 to acquire lands within the Everglades watershed are con-
6 tingent upon new matching non-Federal funds by the
7 State and shall be subject to an agreement that the lands
8 to be acquired will be managed in perpetuity for the res-
9 toration of the Everglades: *Provided further*, That none
10 of the funds provided for the State Assistance program
11 may be used to establish a contingency fund.

12 ADMINISTRATIVE PROVISIONS

13 Appropriations for the National Park Service shall be
14 available for the purchase of not to exceed 315 passenger
15 motor vehicles, of which 256 shall be for replacement only,
16 including not to exceed 237 for police-type use, 11 buses,
17 and 8 ambulances: *Provided*, That none of the funds ap-
18 propriated to the National Park Service may be used to
19 process any grant or contract documents which do not in-
20 clude the text of 18 U.S.C. 1913: *Provided further*, That
21 none of the funds appropriated to the National Park Serv-
22 ice may be used to implement an agreement for the rede-
23 velopment of the southern end of Ellis Island until such
24 agreement has been submitted to the Congress and shall
25 not be implemented prior to the expiration of 30 calendar
26 days (not including any day in which either House of Con-

1 gress is not in session because of adjournment of more
2 than 3 calendar days to a day certain) from the receipt
3 by the Speaker of the House of Representatives and the
4 President of the Senate of a full and comprehensive report
5 on the development of the southern end of Ellis Island,
6 including the facts and circumstances relied upon in sup-
7 port of the proposed project.

8 None of the funds in this Act may be spent by the
9 National Park Service for activities taken in direct re-
10 sponse to the United Nations Biodiversity Convention.

11 The National Park Service may distribute to oper-
12 ating units based on the safety record of each unit the
13 costs of programs designed to improve workplace and em-
14 ployee safety, and to encourage employees receiving work-
15 ers' compensation benefits pursuant to chapter 81 of title
16 5, United States Code, to return to appropriate positions
17 for which they are medically able.

18 Notwithstanding any other provision of law, the Na-
19 tional Park Service may convey a leasehold or freehold in-
20 terest in Cuyahoga NP to allow for the development of
21 utilities and parking needed to support the historic Ever-
22 ett Church in the village of Everett, Ohio.

1 UNITED STATES GEOLOGICAL SURVEY

2 SURVEYS, INVESTIGATIONS, AND RESEARCH

3 For expenses necessary for the United States Geo-
4 logical Survey to perform surveys, investigations, and re-
5 search covering topography, geology, hydrology, biology,
6 and the mineral and water resources of the United States,
7 its territories and possessions, and other areas as author-
8 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
9 to their mineral and water resources; give engineering su-
10 pervision to power permittees and Federal Energy Regu-
11 latory Commission licensees; administer the minerals ex-
12 ploration program (30 U.S.C. 641); and publish and dis-
13 seminate data relative to the foregoing activities; and to
14 conduct inquiries into the economic conditions affecting
15 mining and materials processing industries (30 U.S.C. 3,
16 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
17 as authorized by law and to publish and disseminate data;
18 \$900,489,000, of which \$64,318,000 shall be available
19 only for cooperation with States or municipalities for
20 water resources investigations; and of which \$16,400,000
21 shall remain available until expended for conducting in-
22 quires into the economic conditions affecting mining and
23 materials processing industries; and of which \$18,942,000
24 shall be available until September 30, 2003 for the oper-
25 ation and maintenance of facilities and deferred mainte-

1 nance; and of which \$163,461,000 shall be available until
 2 September 30, 2003 for the biological research activity
 3 and the operation of the Cooperative Research Units: *Pro-*
 4 *vided*, That none of these funds provided for the biological
 5 research activity shall be used to conduct new surveys on
 6 private property, unless specifically authorized in writing
 7 by the property owner: *Provided further*, That of the
 8 amount provided herein, \$25,000,000 is for the conserva-
 9 tion activities defined in section 250(c)(4)(viii) of the Bal-
 10 anced Budget and Emergency Deficit Control Act of 1985,
 11 as amended, for the purposes of such Act: *Provided fur-*
 12 *ther*, That no part of this appropriation shall be used to
 13 pay more than one-half the cost of topographic mapping
 14 or water resources data collection and investigations car-
 15 ried on in cooperation with States and municipalities.

16 ADMINISTRATIVE PROVISIONS

17 The amount appropriated for the United States Geo-
 18 logical Survey shall be available for the purchase of not
 19 to exceed 53 passenger motor vehicles, of which 48 are
 20 for replacement only; reimbursement to the General Serv-
 21 ices Administration for security guard services; con-
 22 tracting for the furnishing of topographic maps and for
 23 the making of geophysical or other specialized surveys
 24 when it is administratively determined that such proce-
 25 dures are in the public interest; construction and mainte-
 26 nance of necessary buildings and appurtenant facilities;

1 acquisition of lands for gauging stations and observation
2 wells; expenses of the United States National Committee
3 on Geology; and payment of compensation and expenses
4 of persons on the rolls of the Survey duly appointed to
5 represent the United States in the negotiation and admin-
6 istration of interstate compacts: *Provided*, That activities
7 funded by appropriations herein made may be accom-
8 plished through the use of contracts, grants, or coopera-
9 tive agreements as defined in 31 U.S.C. 6302 et seq.

10 MINERALS MANAGEMENT SERVICE

11 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

12 For expenses necessary for minerals leasing and envi-
13 ronmental studies, regulation of industry operations, and
14 collection of royalties, as authorized by law; for enforcing
15 laws and regulations applicable to oil, gas, and other min-
16 erals leases, permits, licenses and operating contracts; and
17 for matching grants or cooperative agreements; including
18 the purchase of not to exceed eight passenger motor vehi-
19 cles for replacement only, \$149,867,000, of which
20 \$83,344,000, shall be available for royalty management
21 activities; and an amount not to exceed \$102,730,000, to
22 be credited to this appropriation and to remain available
23 until expended, from additions to receipts resulting from
24 increases to rates in effect on August 5, 1993, from rate
25 increases to fee collections for Outer Continental Shelf ad-

1 ministrative activities performed by the Minerals Manage-
2 ment Service over and above the rates in effect on Sep-
3 tember 30, 1993, and from additional fees for Outer Con-
4 tinental Shelf administrative activities established after
5 September 30, 1993: *Provided*, That to the extent
6 \$102,730,000 in additions to receipts are not realized
7 from the sources of receipts stated above, the amount
8 needed to reach \$102,730,000 shall be credited to this ap-
9 propriation from receipts resulting from rental rates for
10 Outer Continental Shelf leases in effect before August 5,
11 1993: *Provided further*, That \$3,000,000 for computer ac-
12 quisitions shall remain available until September 30,
13 2003: *Provided further*, That funds appropriated under
14 this Act shall be available for the payment of interest in
15 accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
16 *ther*, That not to exceed \$3,000 shall be available for rea-
17 sonable expenses related to promoting volunteer beach and
18 marine cleanup activities: *Provided further*, That notwith-
19 standing any other provision of law, \$15,000 under this
20 heading shall be available for refunds of overpayments in
21 connection with certain Indian leases in which the Direc-
22 tor of the Minerals Management Service (MMS) concurred
23 with the claimed refund due, to pay amounts owed to In-
24 dian allottees or tribes, or to correct prior unrecoverable
25 erroneous payments: *Provided further*, That MMS may

1 under the royalty-in-kind pilot program use a portion of
 2 the revenues from royalty-in-kind sales, without regard to
 3 fiscal year limitation, to pay for transportation to whole-
 4 sale market centers or upstream pooling points, and to
 5 process or otherwise dispose of royalty production taken
 6 in kind: *Provided further*, That MMS shall analyze and
 7 document the expected return in advance of any royalty-
 8 in-kind sales to assure to the maximum extent practicable
 9 that royalty income under the pilot program is equal to
 10 or greater than royalty income recognized under the exist-
 11 ing royalty-in-value program, including the royalty valu-
 12 ation procedures established by the final rule published by
 13 the Minerals Management Service on March 15, 2000 (65
 14 Fed. Reg. 14022 et seq.).

15 OIL SPILL RESEARCH

16 For necessary expenses to carry out title I, section
 17 1016, title IV, sections 4202 and 4303, title VII, and title
 18 VIII, section 8201 of the Oil Pollution Act of 1990,
 19 \$6,105,000, which shall be derived from the Oil Spill Li-
 20 ability Trust Fund, to remain available until expended.

21 OFFICE OF SURFACE MINING RECLAMATION AND

22 ENFORCEMENT

23 REGULATION AND TECHNOLOGY

24 For necessary expenses to carry out the provisions
 25 of the Surface Mining Control and Reclamation Act of
 26 1977, Public Law 95–87, as amended, including the pur-

1 chase of not to exceed 10 passenger motor vehicles, for
 2 replacement only; \$102,900,000: *Provided*, That the Sec-
 3 retary of the Interior, pursuant to regulations, may use
 4 directly or through grants to States, moneys collected in
 5 fiscal year 2002 for civil penalties assessed under section
 6 518 of the Surface Mining Control and Reclamation Act
 7 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
 8 fected by coal mining practices after August 3, 1977, to
 9 remain available until expended: *Provided further*, That
 10 appropriations for the Office of Surface Mining Reclama-
 11 tion and Enforcement may provide for the travel and per
 12 diem expenses of State and tribal personnel attending Of-
 13 fice of Surface Mining Reclamation and Enforcement
 14 sponsored training.

15 ABANDONED MINE RECLAMATION FUND

16 For necessary expenses to carry out title IV of the
 17 Surface Mining Control and Reclamation Act of 1977,
 18 Public Law 95–87, as amended, including the purchase
 19 of not more than 10 passenger motor vehicles for replace-
 20 ment only, \$203,554,000, to be derived from receipts of
 21 the Abandoned Mine Reclamation Fund and to remain
 22 available until expended; of which up to \$10,000,000, to
 23 be derived from the Federal Expenses Share of the Fund,
 24 shall be for supplemental grants to States for the reclama-
 25 tion of abandoned sites with acid mine rock drainage from
 26 coal mines, and for associated activities, through the Ap-

1 palachian Clean Streams Initiative: *Provided*, That grants
2 to minimum program States will be \$1,500,000 per State
3 in fiscal year 2002: *Provided further*, That of the funds
4 herein provided up to \$18,000,000 may be used for the
5 emergency program authorized by section 410 of Public
6 Law 95–87, as amended, of which no more than 25 per-
7 cent shall be used for emergency reclamation projects in
8 any one State and funds for federally administered emer-
9 gency reclamation projects under this proviso shall not ex-
10 ceed \$11,000,000: *Provided further*, That prior year unob-
11 ligated funds appropriated for the emergency reclamation
12 program shall not be subject to the 25 percent limitation
13 per State and may be used without fiscal year limitation
14 for emergency projects: *Provided further*, That pursuant
15 to Public Law 97–365, the Department of the Interior is
16 authorized to use up to 20 percent from the recovery of
17 the delinquent debt owed to the United States Government
18 to pay for contracts to collect these debts: *Provided fur-*
19 *ther*, That funds made available under title IV of Public
20 Law 95–87 may be used for any required non-Federal
21 share of the cost of projects funded by the Federal Gov-
22 ernment for the purpose of environmental restoration re-
23 lated to treatment or abatement of acid mine drainage
24 from abandoned mines: *Provided further*, That such
25 projects must be consistent with the purposes and prior-

ities of the Surface Mining Control and Reclamation Act:
Provided further, That, in addition to the amount granted
 to the Commonwealth of Pennsylvania under sections 402
 (g)(1) and 402(g)(5) of the Surface Mining Control and
 Reclamation Act (Act), an additional \$500,000 will be spe-
 cifically used for the purpose of conducting a demonstra-
 tion project in accordance with section 401(c)(6) of the
 Act to determine the efficacy of improving water quality
 by removing metals from eligible waters polluted by acid
 mine drainage.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian
 programs, as authorized by law, including the Snyder Act
 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
 termination and Education Assistance Act of 1975 (25
 U.S.C. 450 et seq.), as amended, the Education Amend-
 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
 as amended, \$1,790,781,000, to remain available until
 September 30, 2003 except as otherwise provided herein,
 of which not to exceed \$89,864,000 shall be for welfare
 assistance payments and notwithstanding any other provi-
 sion of law, including but not limited to the Indian Self-
 Determination Act of 1975, as amended, not to exceed

1 \$130,209,000 shall be available for payments to tribes and
2 tribal organizations for contract support costs associated
3 with ongoing contracts, grants, compacts, or annual fund-
4 ing agreements entered into with the Bureau prior to or
5 during fiscal year 2002, as authorized by such Act, except
6 that tribes and tribal organizations may use their tribal
7 priority allocations for unmet indirect costs of ongoing
8 contracts, grants, or compacts, or annual funding agree-
9 ments and for unmet welfare assistance costs; and up to
10 \$3,000,000 shall be for the Indian Self-Determination
11 Fund which shall be available for the transitional cost of
12 initial or expanded tribal contracts, grants, compacts or
13 cooperative agreements with the Bureau under such Act;
14 and of which not to exceed \$436,427,000 for school oper-
15 ations costs of Bureau-funded schools and other education
16 programs shall become available on July 1, 2002, and
17 shall remain available until September 30, 2003; and of
18 which not to exceed \$58,394,000 shall remain available
19 until expended for housing improvement, road mainte-
20 nance, attorney fees, litigation support, the Indian Self-
21 Determination Fund, land records improvement, and the
22 Navajo-Hopi Settlement Program: *Provided*, That not-
23 withstanding any other provision of law, including but not
24 limited to the Indian Self-Determination Act of 1975, as
25 amended, and 25 U.S.C. 2008, not to exceed \$43,065,000

1 within and only from such amounts made available for
2 school operations shall be available to tribes and tribal or-
3 ganizations for administrative cost grants associated with
4 the operation of Bureau-funded schools: *Provided further*,
5 That any forestry funds allocated to a tribe which remain
6 unobligated as of September 30, 2003, may be transferred
7 during fiscal year 2004 to an Indian forest land assistance
8 account established for the benefit of such tribe within the
9 tribe's trust fund account: *Provided further*, That any such
10 unobligated balances not so transferred shall expire on
11 September 30, 2004.

12 CONSTRUCTION

13 For construction, repair, improvement, and mainte-
14 nance of irrigation and power systems, buildings, utilities,
15 and other facilities, including architectural and engineer-
16 ing services by contract; acquisition of lands, and interests
17 in lands; and preparation of lands for farming, and for
18 construction of the Navajo Indian Irrigation Project pur-
19 suant to Public Law 87-483, \$357,132,000, to remain
20 available until expended: *Provided*, That such amounts as
21 may be available for the construction of the Navajo Indian
22 Irrigation Project may be transferred to the Bureau of
23 Reclamation: *Provided further*, That not to exceed 6 per-
24 cent of contract authority available to the Bureau of In-
25 dian Affairs from the Federal Highway Trust Fund may
26 be used to cover the road program management costs of

1 the Bureau: *Provided further*, That any funds provided for
2 the Safety of Dams program pursuant to 25 U.S.C. 13
3 shall be made available on a nonreimbursable basis: *Pro-*
4 *vided further*, That for fiscal year 2002, in implementing
5 new construction or facilities improvement and repair
6 project grants in excess of \$100,000 that are provided to
7 tribally controlled grant schools under Public Law 100–
8 297, as amended, the Secretary of the Interior shall use
9 the Administrative and Audit Requirements and Cost
10 Principles for Assistance Programs contained in 43 CFR
11 part 12 as the regulatory requirements: *Provided further*,
12 That such grants shall not be subject to section 12.61 of
13 43 CFR; the Secretary and the grantee shall negotiate and
14 determine a schedule of payments for the work to be per-
15 formed: *Provided further*, That in considering applications,
16 the Secretary shall consider whether the Indian tribe or
17 tribal organization would be deficient in assuring that the
18 construction projects conform to applicable building stand-
19 ards and codes and Federal, tribal, or State health and
20 safety standards as required by 25 U.S.C. 2005(a), with
21 respect to organizational and financial management capa-
22 bilities: *Provided further*, That if the Secretary declines an
23 application, the Secretary shall follow the requirements
24 contained in 25 U.S.C. 2505(f): *Provided further*, That
25 any disputes between the Secretary and any grantee con-

cerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): *Provided further*, That notwithstanding any other provision of law, not to exceed \$450,000 in collections from settlements between the United States and contractors concerning the Dunseith Day School are to be made available for school construction in fiscal year 2002 and thereafter.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$60,949,000, to remain available until expended; of which \$24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which \$7,950,000 shall be available for future water supplies facilities under Public Law 106–163; of which \$21,875,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, 106–554, and 106–568; and of which \$6,254,000 shall be available for the consent decree entered by the United States District Court, Western District of Michigan in *United States v. Michigan*, Case No. 2:73 CV 26.

1 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

2 For the cost of guaranteed loans, \$4,500,000, as au-
3 thorized by the Indian Financing Act of 1974, as amend-
4 ed: *Provided*, That such costs, including the cost of modi-
5 fying such loans, shall be as defined in section 502 of the
6 Congressional Budget Act of 1974: *Provided further*, That
7 these funds are available to subsidize total loan principal,
8 any part of which is to be guaranteed, not to exceed
9 \$75,000,000.

10 In addition, for administrative expenses to carry out
11 the guaranteed loan programs, \$486,000.

12 ADMINISTRATIVE PROVISIONS

13 The Bureau of Indian Affairs may carry out the oper-
14 ation of Indian programs by direct expenditure, contracts,
15 cooperative agreements, compacts and grants, either di-
16 rectly or in cooperation with States and other organiza-
17 tions.

18 Appropriations for the Bureau of Indian Affairs (ex-
19 cept the revolving fund for loans, the Indian loan guar-
20 antee and insurance fund, and the Indian Guaranteed
21 Loan Program account) shall be available for expenses of
22 exhibits, and purchase of not to exceed 229 passenger
23 motor vehicles, of which not to exceed 187 shall be for
24 replacement only.

25 Notwithstanding any other provision of law, no funds
26 available to the Bureau of Indian Affairs for central office

1 operations, pooled overhead general administration (except
2 facilities operations and maintenance), or provided to im-
3 plement the recommendations of the National Academy of
4 Public Administration's August 1999 report shall be avail-
5 able for tribal contracts, grants, compacts, or cooperative
6 agreements with the Bureau of Indian Affairs under the
7 provisions of the Indian Self-Determination Act or the
8 Tribal Self-Governance Act of 1994 (Public Law 103–
9 413).

10 In the event any tribe returns appropriations made
11 available by this Act to the Bureau of Indian Affairs for
12 distribution to other tribes, this action shall not diminish
13 the Federal Government's trust responsibility to that
14 tribe, or the government-to-government relationship be-
15 tween the United States and that tribe, or that tribe's abil-
16 ity to access future appropriations.

17 Notwithstanding any other provision of law, no funds
18 available to the Bureau, other than the amounts provided
19 herein for assistance to public schools under 25 U.S.C.
20 452 et seq., shall be available to support the operation of
21 any elementary or secondary school in the State of Alaska.

22 Appropriations made available in this or any other
23 Act for schools funded by the Bureau shall be available
24 only to the schools in the Bureau school system as of Sep-
25 tember 1, 1996. No funds available to the Bureau shall

1 be used to support expanded grades for any school or dor-
2 mitory beyond the grade structure in place or approved
3 by the Secretary of the Interior at each school in the Bu-
4 reau school system as of October 1, 1995. Funds made
5 available under this Act may not be used to establish a
6 charter school at a Bureau-funded school (as that term
7 is defined in section 1146 of the Education Amendments
8 of 1978 (25 U.S.C. 2026)), except that a charter school
9 that is in existence on the date of the enactment of this
10 Act and that has operated at a Bureau-funded school be-
11 fore September 1, 1999, may continue to operate during
12 that period, but only if the charter school pays to the Bu-
13 reau a pro rata share of funds to reimburse the Bureau
14 for the use of the real and personal property (including
15 buses and vans), the funds of the charter school are kept
16 separate and apart from Bureau funds, and the Bureau
17 does not assume any obligation for charter school pro-
18 grams of the State in which the school is located if the
19 charter school loses such funding. Employees of Bureau-
20 funded schools sharing a campus with a charter school and
21 performing functions related to the charter school's oper-
22 ation and employees of a charter school shall not be treat-
23 ed as Federal employees for purposes of chapter 171 of
24 title 28, U.S.C. (commonly known as the "Federal Tort
25 Claims Act").

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$72,289,000, of which: (1) \$67,761,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$4,528,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion,

1 in accordance with chapter 35 of title 31, United States
2 Code: *Provided further*, That Northern Mariana Islands
3 Covenant grant funding shall be provided according to
4 those terms of the Agreement of the Special Representa-
5 tives on Future United States Financial Assistance for the
6 Northern Mariana Islands approved by Public Law 104–
7 134: *Provided further*, That of the funds provided herein
8 for American Samoa government operations, the Secretary
9 is directed to use up to \$20,000 to increase compensation
10 of the American Samoa High Court Justices: *Provided*
11 *further*, That of the amounts provided for technical assist-
12 ance, not to exceed \$1,339,000 shall be made available
13 for transfer to the Disaster Assistance Direct Loan Fi-
14 nancing Account of the Federal Emergency Management
15 Agency for the purpose of covering the cost of forgiving
16 the repayment obligation of the Government of the Virgin
17 Islands on Community Disaster Loan 841, as required by
18 section 504 of the Congressional Budget Act of 1974, as
19 amended (2 U.S.C. 661c): *Provided further*, That to the
20 extent that the cost of forgiving the repayment obligation
21 exceeds the \$1,339,000 provided in this Act, the Secretary
22 of the Interior shall transfer up to \$2,161,000 of unex-
23 pended appropriations for United States Virgin Islands
24 construction grants provided pursuant to Public Law 102–
25 154 to the Federal Emergency Management Agency to

1 meet the full costs associated with forgiveness of the Hur-
2 ricane Hugo Community Disaster Loan: *Provided further*,
3 That of the amounts provided for technical assistance, suf-
4 ficient funding shall be made available for a grant to the
5 Close Up Foundation: *Provided further*, That the funds
6 for the program of operations and maintenance improve-
7 ment are appropriated to institutionalize routine oper-
8 ations and maintenance improvement of capital infrastruc-
9 ture (with territorial participation and cost sharing to be
10 determined by the Secretary based on the grantees com-
11 mitment to timely maintenance of its capital assets): *Pro-*
12 *vided further*, That any appropriation for disaster assist-
13 ance under this heading in this Act or previous appropria-
14 tions Acts may be used as non-Federal matching funds
15 for the purpose of hazard mitigation grants provided pur-
16 suant to section 404 of the Robert T. Stafford Disaster
17 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

18 COMPACT OF FREE ASSOCIATION

19 For economic assistance and necessary expenses for
20 the Federated States of Micronesia and the Republic of
21 the Marshall Islands as provided for in sections 122, 221,
22 223, 232, and 233 of the Compact of Free Association,
23 and for economic assistance and necessary expenses for
24 the Republic of Palau as provided for in sections 122, 221,
25 223, 232, and 233 of the Compact of Free Association,

1 \$23,245,000, to remain available until expended, as au-
2 thorized by Public Law 99–239 and Public Law 99–658.

3 DEPARTMENTAL MANAGEMENT

4 SALARIES AND EXPENSES

5 For necessary expenses for management of the De-
6 partment of the Interior, \$64,177,000 (reduced by
7 \$9,000,000), of which not to exceed \$8,500 may be for
8 official reception and representation expenses, of which up
9 to \$1,000,000 shall be available for workers compensation
10 payments and unemployment compensation payments as-
11 sociated with the orderly closure of the United States Bu-
12 reau of Mines.

13 OFFICE OF THE SOLICITOR

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of the Solicitor,
16 \$45,000,000.

17 OFFICE OF INSPECTOR GENERAL

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of Inspector
20 General, \$30,490,000.

21 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

22 FEDERAL TRUST PROGRAMS

23 For operation of trust programs for Indians by direct
24 expenditure, contracts, cooperative agreements, compacts,
25 and grants, \$99,224,000, to remain available until ex-

1 pending: *Provided*, That funds for trust management im-
2 provements may be transferred, as needed, to the Bureau
3 of Indian Affairs “Operation of Indian Programs” account
4 and to the Departmental Management “Salaries and Ex-
5 penses” account: *Provided further*, That funds made avail-
6 able to Tribes and Tribal organizations through contracts
7 or grants obligated during fiscal year 2002, as authorized
8 by the Indian Self-Determination Act of 1975 (25 U.S.C.
9 450 et seq.), shall remain available until expended by the
10 contractor or grantee: *Provided further*, That notwith-
11 standing any other provision of law, the statute of limita-
12 tions shall not commence to run on any claim, including
13 any claim in litigation pending on the date of the enact-
14 ment of this Act, concerning losses to or mismanagement
15 of trust funds, until the affected tribe or individual Indian
16 has been furnished with an accounting of such funds from
17 which the beneficiary can determine whether there has
18 been a loss: *Provided further*, That notwithstanding any
19 other provision of law, the Secretary shall not be required
20 to provide a quarterly statement of performance for any
21 Indian trust account that has not had activity for at least
22 18 months and has a balance of \$1.00 or less: *Provided*
23 *further*, That the Secretary shall issue an annual account
24 statement and maintain a record of any such accounts and
25 shall permit the balance in each such account to be with-

1 drawn upon the express written request of the account
2 holder.

3 INDIAN LAND CONSOLIDATION

4 For consolidation of fractional interests in Indian
5 lands and expenses associated with redetermining and re-
6 distributing escheated interests in allotted lands, and for
7 necessary expenses to carry out the Indian Land Consoli-
8 dation Act of 1983, as amended, by direct expenditure or
9 cooperative agreement, \$10,980,000, to remain available
10 until expended and which may be transferred to the Bu-
11 reau of Indian Affairs and Departmental Management.

12 NATURAL RESOURCE DAMAGE ASSESSMENT AND
13 RESTORATION

14 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

15 To conduct natural resource damage assessment ac-
16 tivities by the Department of the Interior necessary to
17 carry out the provisions of the Comprehensive Environ-
18 mental Response, Compensation, and Liability Act, as
19 amended (42 U.S.C. 9601 et seq.), Federal Water Pollu-
20 tion Control Act, as amended (33 U.S.C. 1251 et seq.),
21 the Oil Pollution Act of 1990 (Public Law 101–380) (33
22 U.S.C. 2701 et seq.), and Public Law 101–337, as amend-
23 ed (16 U.S.C. 19jj et seq.), \$5,497,000, to remain avail-
24 able until expended.

1 ADMINISTRATIVE PROVISIONS

2 There is hereby authorized for acquisition from avail-
3 able resources within the Working Capital Fund, 15 air-
4 craft, 10 of which shall be for replacement and which may
5 be obtained by donation, purchase or through available ex-
6 cess surplus property: *Provided*, That notwithstanding any
7 other provision of law, existing aircraft being replaced may
8 be sold, with proceeds derived or trade-in value used to
9 offset the purchase price for the replacement aircraft: *Pro-*
10 *vided further*, That no programs funded with appropriated
11 funds in the “Departmental Management”, “Office of the
12 Solicitor”, and “Office of Inspector General” may be aug-
13 mented through the Working Capital Fund or the Consoli-
14 dated Working Fund.

15 GENERAL PROVISIONS, DEPARTMENT OF THE
16 INTERIOR

17 SEC. 101. Appropriations made in this title shall be
18 available for expenditure or transfer (within each bureau
19 or office), with the approval of the Secretary, for the emer-
20 gency reconstruction, replacement, or repair of aircraft,
21 buildings, utilities, or other facilities or equipment dam-
22 aged or destroyed by fire, flood, storm, or other unavoid-
23 able causes: *Provided*, That no funds shall be made avail-
24 able under this authority until funds specifically made
25 available to the Department of the Interior for emer-

1 gencies shall have been exhausted: *Provided further*, That
2 all funds used pursuant to this section are hereby des-
3 ignated by Congress to be “emergency requirements” pur-
4 suant to section 251(b)(2)(A) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985, and must be re-
6 plenished by a supplemental appropriation which must be
7 requested as promptly as possible.

8 SEC. 102. The Secretary may authorize the expendi-
9 ture or transfer of any no year appropriation in this title,
10 in addition to the amounts included in the budget pro-
11 grams of the several agencies, for the suppression or emer-
12 gency prevention of wildland fires on or threatening lands
13 under the jurisdiction of the Department of the Interior;
14 for the emergency rehabilitation of burned-over lands
15 under its jurisdiction; for emergency actions related to po-
16 tential or actual earthquakes, floods, volcanoes, storms, or
17 other unavoidable causes; for contingency planning subse-
18 quent to actual oil spills; for response and natural resource
19 damage assessment activities related to actual oil spills;
20 for the prevention, suppression, and control of actual or
21 potential grasshopper and Mormon cricket outbreaks on
22 lands under the jurisdiction of the Secretary, pursuant to
23 the authority in section 1773(b) of Public Law 99–198
24 (99 Stat. 1658); for emergency reclamation projects under
25 section 410 of Public Law 95–87; and shall transfer, from

1 any no year funds available to the Office of Surface Min-
2 ing Reclamation and Enforcement, such funds as may be
3 necessary to permit assumption of regulatory authority in
4 the event a primacy State is not carrying out the regu-
5 latory provisions of the Surface Mining Act: *Provided*,
6 That appropriations made in this title for wildland fire
7 operations shall be available for the payment of obligations
8 incurred during the preceding fiscal year, and for reim-
9 bursement to other Federal agencies for destruction of ve-
10 hicles, aircraft, or other equipment in connection with
11 their use for wildland fire operations, such reimbursement
12 to be credited to appropriations currently available at the
13 time of receipt thereof: *Provided further*, That for wildland
14 fire operations, no funds shall be made available under
15 this authority until the Secretary determines that funds
16 appropriated for “wildland fire operations” shall be ex-
17 hausted within 30 days: *Provided further*, That all funds
18 used pursuant to this section are hereby designated by
19 Congress to be “emergency requirements” pursuant to
20 section 251(b)(2)(A) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985, and must be replen-
22 ished by a supplemental appropriation which must be re-
23 quested as promptly as possible: *Provided further*, That
24 such replenishment funds shall be used to reimburse, on

1 a pro rata basis, accounts from which emergency funds
2 were transferred.

3 SEC. 103. Appropriations made in this title shall be
4 available for operation of warehouses, garages, shops, and
5 similar facilities, wherever consolidation of activities will
6 contribute to efficiency or economy, and said appropria-
7 tions shall be reimbursed for services rendered to any
8 other activity in the same manner as authorized by sec-
9 tions 1535 and 1536 of title 31, United States Code: *Pro-*
10 *vided*, That reimbursements for costs and supplies, mate-
11 rials, equipment, and for services rendered may be cred-
12 ited to the appropriation current at the time such reim-
13 bursements are received.

14 SEC. 104. Appropriations made to the Department
15 of the Interior in this title shall be available for services
16 as authorized by 5 U.S.C. 3109, when authorized by the
17 Secretary, in total amount not to exceed \$500,000; hire,
18 maintenance, and operation of aircraft; hire of passenger
19 motor vehicles; purchase of reprints; payment for tele-
20 phone service in private residences in the field, when au-
21 thorized under regulations approved by the Secretary; and
22 the payment of dues, when authorized by the Secretary,
23 for library membership in societies or associations which
24 issue publications to members only or at a price to mem-
25 bers lower than to subscribers who are not members.

1 SEC. 105. Appropriations available to the Depart-
2 ment of the Interior for salaries and expenses shall be
3 available for uniforms or allowances therefor, as author-
4 ized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

5 SEC. 106. Annual appropriations made in this title
6 shall be available for obligation in connection with con-
7 tracts issued for services or rentals for periods not in ex-
8 cess of 12 months beginning at any time during the fiscal
9 year.

10 SEC. 107. No funds provided in this title may be ex-
11 pended by the Department of the Interior for the conduct
12 of offshore leasing and related activities placed under re-
13 striction in the President’s moratorium statement of June
14 12, 1998, in the areas of northern, central, and southern
15 California; the North Atlantic; Washington and Oregon;
16 the eastern Gulf of Mexico south of 26 degrees north lati-
17 tude and east of 86 degrees west longitude.

18 SEC. 108. No funds provided in this title may be ex-
19 pended by the Department of the Interior for the conduct
20 of offshore oil and natural gas preleasing, leasing, and re-
21 lated activities, on lands within the North Aleutian Basin
22 planning area.

23 SEC. 109. No funds provided in this title may be ex-
24 pended by the Department of the Interior to conduct off-
25 shore oil and natural gas preleasing, leasing and related

1 activities in the eastern Gulf of Mexico planning area for
2 any lands located outside Sale 181, as identified in the
3 final Outer Continental Shelf 5-Year Oil and Gas Leasing
4 Program, 1997–2002.

5 SEC. 110. No funds provided in this title may be ex-
6 pended by the Department of the Interior to conduct oil
7 and natural gas preleasing, leasing and related activities
8 in the Mid-Atlantic and South Atlantic planning areas.

9 SEC. 111. Advance payments made under this title
10 to Indian tribes, tribal organizations, and tribal consortia
11 pursuant to the Indian Self-Determination and Education
12 Assistance Act (25 U.S.C. 450 et seq.) or the Tribally
13 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)
14 may be invested by the Indian tribe, tribal organization,
15 or consortium before such funds are expended for the pur-
16 poses of the grant, compact, or annual funding agreement
17 so long as such funds are—

18 (1) invested by the Indian tribe, tribal organiza-
19 tion, or consortium only in obligations of the United
20 States, or in obligations or securities that are guar-
21 anteed or insured by the United States, or mutual
22 (or other) funds registered with the Securities and
23 Exchange Commission and which only invest in obli-
24 gations of the United States or securities that are
25 guaranteed or insured by the United States; or

1 (2) deposited only into accounts that are in-
2 sured by an agency or instrumentality of the United
3 States, or are fully collateralized to ensure protec-
4 tion of the funds, even in the event of a bank failure.

5 SEC. 112. Notwithstanding any other provisions of
6 law, the National Park Service shall not develop or imple-
7 ment a reduced entrance fee program to accommodate
8 non-local travel through a unit. The Secretary may provide
9 for and regulate local non-recreational passage through
10 units of the National Park System, allowing each unit to
11 develop guidelines and permits for such activity appro-
12 priate to that unit.

13 SEC. 113. Appropriations made in this Act under the
14 headings Bureau of Indian Affairs and Office of Special
15 Trustee for American Indians and any available unobli-
16 gated balances from prior appropriations Acts made under
17 the same headings, shall be available for expenditure or
18 transfer for Indian trust management activities pursuant
19 to the Trust Management Improvement Project High
20 Level Implementation Plan.

21 SEC. 114. A grazing permit or lease that expires (or
22 is transferred) during fiscal year 2002 shall be renewed
23 under section 402 of the Federal Land Policy and Man-
24 agement Act of 1976, as amended (43 U.S.C. 1752) or
25 if applicable, section 510 of the California Desert Protec-

tion Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary’s statutory authority.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at

1 a level which exceeds the maximum rate payable for the
2 highest grade of the General Schedule, including locality
3 pay.

4 SEC. 116. Notwithstanding any other provision of
5 law, the Secretary of the Interior is authorized to redis-
6 tribute any Tribal Priority Allocation funds, including
7 tribal base funds, to alleviate tribal funding inequities by
8 transferring funds to address identified, unmet needs,
9 dual enrollment, overlapping service areas or inaccurate
10 distribution methodologies. No tribe shall receive a reduc-
11 tion in Tribal Priority Allocation funds of more than 10
12 percent in fiscal year 2002. Under circumstances of dual
13 enrollment, overlapping service areas or inaccurate dis-
14 tribution methodologies, the 10 percent limitation does not
15 apply.

16 SEC. 117. None of the funds in this Act may be used
17 to establish a new National Wildlife Refuge in the Kan-
18 kakee River basin that is inconsistent with the United
19 States Army Corps of Engineers' efforts to control flood-
20 ing and siltation in that area. Written certification of con-
21 sistency shall be submitted to the House and Senate Com-
22 mittees on Appropriations prior to refuge establishment.

23 SEC. 118. Funds appropriated for the Bureau of In-
24 dian Affairs for postsecondary schools for fiscal year 2002
25 shall be allocated among the schools proportionate to the

1 unmet need of the schools as determined by the Postsec-
2 ondary Funding Formula adopted by the Office of Indian
3 Education Programs.

4 SEC. 119. (a) The Secretary of the Interior shall take
5 such action as may be necessary to ensure that the lands
6 comprising the Huron Cemetery in Kansas City, Kansas
7 (as described in section 123 of Public Law 106–291) are
8 used only in accordance with this section.

9 (b) The lands of the Huron Cemetery shall be used
10 only: (1) for religious and cultural uses that are compat-
11 ible with the use of the lands as a cemetery; and (2) as
12 a burial ground.

13 SEC. 120. No funds appropriated for the Department
14 of the Interior by this Act or any other Act shall be used
15 to study or implement any plan to drain Lake Powell or
16 to reduce the water level of the lake below the range of
17 water levels required for the operation of the Glen Canyon
18 Dam.

19 SEC. 121. Notwithstanding any other provision of
20 law, in conveying the Twin Cities Research Center under
21 the authority provided by Public Law 104–134, as amend-
22 ed by Public Law 104–208, the Secretary may accept and
23 retain land and other forms of reimbursement: *Provided*,
24 That the Secretary may retain and use any such reim-
25 bursement until expended and without further appropria-

1 tion: (1) for the benefit of the National Wildlife Refuge
2 System within the State of Minnesota; and (2) for all ac-
3 tivities authorized by Public Law 100–696; 16 U.S.C.
4 460zz.

5 SEC. 122. Section 412(b) of the National Parks Om-
6 nibus Management Act of 1998, as amended (16 U.S.C.
7 5961) is amended by striking “2001” and inserting
8 “2002”.

9 SEC. 123. Notwithstanding other provisions of law,
10 the National Park Service may authorize, through cooper-
11 ative agreement, the Golden Gate National Parks Associa-
12 tion to provide fee-based education, interpretive and vis-
13 itor service functions within the Crissy Field and Fort
14 Point areas of the Presidio.

15 SEC. 124. Notwithstanding 31 U.S.C. 3302(b), sums
16 received by the Bureau of Land Management for the sale
17 of seeds or seedlings including those collected in fiscal year
18 2001, may be credited to the appropriation from which
19 funds were expended to acquire or grow the seeds or seed-
20 lings and are available without fiscal year limitation.

21 SEC. 125. TRIBAL SCHOOL CONSTRUCTION DEM-
22 ONSTRATION PROGRAM. (a) DEFINITIONS.—In this sec-
23 tion:

1 (1) CONSTRUCTION.—The term “construction”,
2 with respect to a tribally controlled school, includes
3 the construction or renovation of that school.

4 (2) INDIAN TRIBE.—The term “Indian tribe”
5 has the meaning given that term in section 4(e) of
6 the Indian Self-Determination and Education Assist-
7 ance Act (25 U.S.C. 450b(e)).

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (4) TRIBALLY CONTROLLED SCHOOL.—The
11 term “tribally controlled school” has the meaning
12 given that term in section 5212 of the Tribally Con-
13 trolled Schools Act of 1988 (25 U.S.C. 2511).

14 (5) DEPARTMENT.—The term “Department”
15 means the Department of the Interior.

16 (6) DEMONSTRATION PROGRAM.—The term
17 “demonstration program” means the Tribal School
18 Construction Demonstration Program.

19 (b) IN GENERAL.—The Secretary shall carry out a
20 demonstration program to provide grants to Indian tribes
21 for the construction of tribally controlled schools.

22 (1) IN GENERAL.—Subject to the availability of
23 appropriations, in carrying out the demonstration
24 program under subsection (b), the Secretary shall
25 award a grant to each Indian tribe that submits an

1 application that is approved by the Secretary under
2 paragraph (2). The Secretary shall ensure that an
3 eligible Indian tribe currently on the Department's
4 priority list for construction of replacement edu-
5 cational facilities receives the highest priority for a
6 grant under this section.

7 (2) GRANT APPLICATIONS.—An application for
8 a grant under the section shall—

9 (A) include a proposal for the construction
10 of a tribally controlled school of the Indian tribe
11 that submits the application; and

12 (B) be in such form as the Secretary deter-
13 mines appropriate.

14 (3) GRANT AGREEMENT.—As a condition to re-
15 ceiving a grant under this section, the Indian tribe
16 shall enter into an agreement with the Secretary
17 that specifies—

18 (A) the costs of construction under the
19 grant;

20 (B) that the Indian tribe shall be required
21 to contribute towards the cost of the construc-
22 tion a tribal share equal to 50 percent of the
23 costs; and

24 (C) any other term or condition that the
25 Secretary determines to be appropriate.

1 (4) ELIGIBILITY.—Grants awarded under the
2 demonstration program shall only be for construc-
3 tion of replacement tribally controlled schools.

4 (c) EFFECT OF GRANT.—A grant received under this
5 section shall be in addition to any other funds received
6 by an Indian tribe under any other provision of law. The
7 receipt of a grant under this section shall not affect the
8 eligibility of an Indian tribe receiving funding, or the
9 amount of funding received by the Indian tribe, under the
10 Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501
11 et seq.) or the Indian Self-Determination and Education
12 Assistance Act (25 U.S.C. 450 et seq.).

13 SEC. 126. WHITE RIVER OIL SHALE MINE, UTAH.

14 (a) SALE.—The Administrator of General Services (re-
15 ferred to in this section as the “Administrator”) shall sell
16 all right, title, and interest of the United States in and
17 to the improvements and equipment described in sub-
18 section (b) that are situated on the land described in sub-
19 section (c) (referred to in this section as the “Mine”).

20 (b) DESCRIPTION OF IMPROVEMENTS AND EQUIP-
21 MENT.—The improvements and equipment referred to in
22 subsection (a) are the following improvements and equip-
23 ment associated with the Mine:

24 (1) Mine Service Building.

25 (2) Sewage Treatment Building.

- 1 (3) Electrical Switchgear Building.
- 2 (4) Water Treatment Building/Plant.
- 3 (5) Ventilation/Fan Building.
- 4 (6) Water Storage Tanks.
- 5 (7) Mine Hoist Cage and Headframe.
- 6 (8) Miscellaneous Mine-related equipment.

7 (c) DESCRIPTION OF LAND.—The land referred to in
8 subsection (a) is the land located in Uintah County, Utah,
9 known as the “White River Oil Shale Mine” and described
10 as follows:

- 11 (1) T. 10 S., R. 24 E., Salt Lake Meridian, sec-
12 tions 12 through 14, 19 through 30, 33, and 34.
- 13 (2) T. 10 S., R. 25 E., Salt Lake Meridian, sec-
14 tions 18 and 19.

15 (d) USE OF PROCEEDS.—The proceeds of the sale
16 under subsection (a)—

- 17 (1) shall be deposited in a special account in
18 the Treasury of the United States; and

- 19 (2) shall be available until expended, without
20 further Act of appropriation—

21 (A) first, to reimburse the Administrator
22 for the direct costs of the sale; and

23 (B) second, to reimburse the Bureau of
24 Land Management Utah State Office for the
25 costs of closing and rehabilitating the Mine.

1 (e) MINE CLOSURE AND REHABILITATION.—The
2 closing and rehabilitation of the Mine (including closing
3 of the mine shafts, site grading, and surface revegetation)
4 shall be conducted in accordance with—

5 (1) the regulatory requirements of the State of
6 Utah, the Mine Safety and Health Administration,
7 and the Occupational Safety and Health Administra-
8 tion; and

9 (2) other applicable law.

10 TITLE II—RELATED AGENCIES
11 DEPARTMENT OF AGRICULTURE

12 FOREST SERVICE

13 FOREST AND RANGELAND RESEARCH

14 For necessary expenses of forest and rangeland re-
15 search as authorized by law, \$236,979,000, to remain
16 available until expended.

17 STATE AND PRIVATE FORESTRY

18 For necessary expenses of cooperating with and pro-
19 viding technical and financial assistance to States, terri-
20 tories, possessions, and others, and for forest health man-
21 agement, cooperative forestry, and education and land
22 conservation activities and conducting an international
23 program as authorized, \$277,771,000, to remain available
24 until expended, as authorized by law, of which
25 \$60,000,000 is for the Forest Legacy Program,

1 \$8,000,000 is for the Stewardship Incentives Program,
2 and \$36,000,000 is for the Urban and Community For-
3 estry Program, defined in section 250(c)(4)(E)(ix) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985, as amended, for the purposes of such Act: *Provided*,
6 That, hereafter, “Forest Service State and Private For-
7 estry, Stewardship Incentives Program” shall be consid-
8 ered to be within the “State and Other Conservation sub-
9 category” in section 250(c)(4)(G) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985, as amended:
11 *Provided further*, That none of the funds provided under
12 this heading for the acquisition of lands or interests in
13 lands shall be available until the House Committee on Ap-
14 propriations and the Senate Committee on Appropriations
15 provide to the Secretary, in writing, a list of specific acqui-
16 sitions to be undertaken with such funds.

17 NATIONAL FOREST SYSTEM

18 For necessary expenses of the Forest Service, not
19 otherwise provided, for management, protection, improve-
20 ment, and utilization of the National Forest System,
21 \$1,326,445,000 (reduced by \$6,000,000), to remain avail-
22 able until expended, which shall include 50 percent of all
23 moneys received during prior fiscal years as fees collected
24 under the Land and Water Conservation Fund Act of
25 1965, as amended, in accordance with section 4 of the Act

1 (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated bal-
 2 ances available at the start of fiscal year 2002 shall be
 3 displayed by budget line item in the fiscal year 2003 budg-
 4 et justification: *Provided further*, That the Secretary may
 5 authorize the expenditure or transfer of such sums as nec-
 6 essary to the Department of the Interior, Bureau of Land
 7 Management for removal, preparation, and adoption of ex-
 8 cess wild horses and burros from National Forest System
 9 lands.

10 WILDLAND FIRE MANAGEMENT

11 For necessary expenses for forest fire presuppression
 12 activities on National Forest System lands, for emergency
 13 fire suppression on or adjacent to such lands or other
 14 lands under fire protection agreement, and for emergency
 15 rehabilitation of burned-over National Forest System
 16 lands and water, \$1,402,305,000, to remain available until
 17 expended: *Provided*, That such funds including unobli-
 18 gated balances under this head, are available for repay-
 19 ment of advances from other appropriations accounts pre-
 20 viously transferred for such purposes: *Provided further*,
 21 That not less than 50 percent of any unobligated balances
 22 remaining (exclusive of amounts for hazardous fuels re-
 23 duction) at the end of fiscal year 2000 shall be trans-
 24 ferred, as repayment for past advances that have not been
 25 repaid, to the fund established pursuant to section 3 of
 26 Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided fur-*

1 *ther*, That notwithstanding any other provision of law,
2 \$8,000,000 of funds appropriated under this appropria-
3 tion shall be used for Fire Science Research in support
4 of the Joint Fire Science Program: *Provided further*, That
5 all authorities for the use of funds, including the use of
6 contracts, grants, and cooperative agreements, available to
7 execute the Forest and Rangeland Research appropria-
8 tion, are also available in the utilization of these funds
9 for Fire Science Research: *Provided further*, That funds
10 provided shall be available for emergency rehabilitation
11 and restoration, hazard reduction activities in the urban-
12 wildland interface, support to Federal emergency re-
13 sponse, and wildfire suppression activities of the Forest
14 Service; *Provided further*, That of the funds provided,
15 \$227,010,000 is for hazardous fuel treatment,
16 \$81,000,000 is for rehabilitation and restoration,
17 \$38,000,000 is for capital improvement and maintenance
18 of fire facilities, \$27,265,000 is for research activities and
19 to make competitive research grants pursuant to the For-
20 est and Rangeland Renewable Resources Research Act, as
21 amended (16 U.S.C. 1641 et seq.), \$50,383,000 is for
22 state fire assistance, \$8,262,000 is for volunteer fire as-
23 sistance, \$11,974,000 is for forest health activities on
24 state, private, and Federal lands, and \$12,472,000 is for
25 economic action programs: *Provided further*, That

1 amounts in this paragraph may be transferred to the
2 “State and Private Forestry”, “National Forest System”,
3 “Forest and Rangeland Research”, and “Capital Improve-
4 ment and Maintenance” accounts to fund state fire assist-
5 ance, volunteer fire assistance, and forest health manage-
6 ment, vegetation and watershed management, heritage site
7 rehabilitation, wildlife and fish habitat management, trails
8 and facilities maintenance and restoration: *Provided fur-*
9 *ther*, That transfers of any amounts in excess of those au-
10 thorized in this paragraph, shall require approval of the
11 House and Senate Committees on Appropriations in com-
12 pliance with reprogramming procedures contained in
13 House Report No. 105–163: *Provided further*, That the
14 costs of implementing any cooperative agreement between
15 the Federal government and any non-Federal entity may
16 be shared, as mutually agreed on by the affected parties:
17 *Provided further*, That in entering into such grants or co-
18 operative agreements, the Secretary may consider the en-
19 hancement of local and small business employment oppor-
20 tunities for rural communities, and that in entering into
21 procurement contracts under this section on a best value
22 basis, the Secretary may take into account the ability of
23 an entity to enhance local and small business employment
24 opportunities in rural communities, and that the Secretary
25 may award procurement contracts, grants, or cooperative

1 agreements under this section to entities that include local
2 non-profit entities, Youth Conservation Corps or related
3 partnerships with State, local or non-profit youth groups,
4 or small or disadvantaged businesses: *Provided further*,
5 That:

6 (1) In expending the funds provided with re-
7 spect to this Act for hazardous fuels reduction, the
8 Secretary of the Interior and the Secretary of Agri-
9 culture may conduct fuel reduction treatments on
10 Federal lands using all contracting and hiring au-
11 thorities available to the Secretaries applicable to
12 hazardous fuel reduction activities under the
13 wildland fire management accounts. Notwith-
14 standing Federal government procurement and con-
15 tracting laws, the Secretaries may conduct fuel re-
16 duction treatments on Federal lands using grants
17 and cooperative agreements. Notwithstanding Fed-
18 eral government procurement and contracting laws,
19 in order to provide employment and training oppor-
20 tunities to people in rural communities, the Secre-
21 taries may award contracts, including contracts for
22 monitoring activities, to—

23 (A) local private, nonprofit, or cooperative
24 entities;

1 (B) Youth Conservation Corps crews or re-
2 lated partnerships, with State, local and non-
3 profit youth groups;

4 (C) small or micro-businesses; or

5 (D) other entities that will hire or train a
6 significant percentage of local people to com-
7 plete such contracts. The authorities described
8 above relating to contracts, grants, and cooper-
9 ative agreements are available until all funds
10 provided in this title for hazardous fuels reduc-
11 tion activities in the urban wildland interface
12 are obligated.

13 (2)(A) The Secretary of Agriculture may trans-
14 fer or reimburse funds to the United States Fish
15 and Wildlife Service of the Department of the Inte-
16 rior, or the National Marine Fisheries Service of the
17 Department of Commerce, for the costs of carrying
18 out their responsibilities under the Endangered Spe-
19 cies Act of 1973 (16 U.S.C. 1531 et seq.) to consult
20 and conference as required by section 7 of such Act
21 in connection with wildland fire management activi-
22 ties in fiscal years 2001 and 2002.

23 (B) Only those funds appropriated for fiscal
24 years 2001 and 2002 to Forest Service (USDA) for
25 wildland fire management are available to the Sec-

1 retary of Agriculture for such transfer or reimburse-
2 ment.

3 (C) The amount of the transfer or reimburse-
4 ment shall be as mutually agreed by the Secretary
5 of Agriculture and the Secretary of the Interior or
6 Secretary of Commerce, as applicable, or their des-
7 ignees. The amount shall in no case exceed the ac-
8 tual costs of consultation and conferencing in con-
9 nection with wildland fire management activities af-
10 fecting National Forest System lands.

11 For an additional amount, to liquidate obligations
12 previously incurred, \$274,147,000.

13 CAPITAL IMPROVEMENT AND MAINTENANCE

14 For necessary expenses of the Forest Service, not
15 otherwise provided for, \$535,513,000, to remain available
16 until expended for construction, reconstruction, mainte-
17 nance and acquisition of buildings and other facilities, and
18 for construction, reconstruction, repair and maintenance
19 of forest roads and trails by the Forest Service as author-
20 ized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205,
21 of which \$50,000,000 is for “Federal Infrastructure Im-
22 provement”, defined in section 250(c)(4)(E)(xiv) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985, as amended, for the purposes of such Act: *Provided*,
25 That fiscal year 2001 balances in the Federal Infrastruc-
26 ture Improvement account for the Forest Service shall be

1 transferred to and merged with this appropriation, and
 2 shall remain available until expended: *Provided further*,
 3 That up to \$15,000,000 of the funds provided herein for
 4 road maintenance shall be available for the decommis-
 5 sioning of roads, including unauthorized roads not part
 6 of the transportation system, which are no longer needed:
 7 *Provided further*, That no funds shall be expended to de-
 8 commission any system road until notice and an oppor-
 9 tunity for public comment has been provided on each de-
 10 commissioning project.

11 LAND ACQUISITION

12 For expenses necessary to carry out the provisions
 13 of the Land and Water Conservation Fund Act of 1965,
 14 as amended (16 U.S.C. 460l–4 through 11), including ad-
 15 ministrative expenses, and for acquisition of land or wa-
 16 ters, or interest therein, in accordance with statutory au-
 17 thority applicable to the Forest Service, \$130,877,000 to
 18 be derived from the Land and Water Conservation Fund,
 19 to remain available until expended, and to be for the con-
 20 servation activities defined in section 250(c)(4)(E)(iv) of
 21 the Balanced Budget and Emergency Deficit Control Act
 22 of 1985, as amended, for the purposes of such Act.

23 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL

24 ACTS

25 For acquisition of lands within the exterior bound-
 26 aries of the Cache, Uinta, and Wasatch National Forests,

1 Utah; the Toiyabe National Forest, Nevada; and the An-
 2 geles, San Bernardino, Sequoia, and Cleveland National
 3 Forests, California, as authorized by law, \$1,069,000, to
 4 be derived from forest receipts.

5 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

6 For acquisition of lands, such sums, to be derived
 7 from funds deposited by State, county, or municipal gov-
 8 ernments, public school districts, or other public school au-
 9 thorities pursuant to the Act of December 4, 1967, as
 10 amended (16 U.S.C. 484a), to remain available until ex-
 11 pended.

12 RANGE BETTERMENT FUND

13 For necessary expenses of range rehabilitation, pro-
 14 tection, and improvement, 50 percent of all moneys re-
 15 ceived during the prior fiscal year, as fees for grazing do-
 16 mestic livestock on lands in National Forests in the 16
 17 Western States, pursuant to section 401(b)(1) of Public
 18 Law 94-579, as amended, to remain available until ex-
 19 pended, of which not to exceed 6 percent shall be available
 20 for administrative expenses associated with on-the-ground
 21 range rehabilitation, protection, and improvements.

22 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND

23 RANGELAND RESEARCH

24 For expenses authorized by 16 U.S.C. 1643(b),
 25 \$92,000, to remain available until expended, to be derived
 26 from the fund established pursuant to the above Act.

8 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

•HR 2217 EH

1 U.S.C. 2250); (4) for expenses pursuant to the Volunteers
2 in the National Forest Act of 1972 (16 U.S.C. 558a,
3 558d, and 558a note); (5) the cost of uniforms as author-
4 ized by 5 U.S.C. 5901–5902; and (6) for debt collection
5 contracts in accordance with 31 U.S.C. 3718(c).

6 Any appropriations or funds available to the Sec-
7 retary may be transferred to the Wildland Fire Manage-
8 ment appropriation for forest firefighting, emergency re-
9 habilitation of burned-over or damaged lands or waters
10 under its jurisdiction, and fire preparedness due to severe
11 burning conditions if and only if all previously appro-
12 priated emergency contingent funds under the heading
13 “Wildland Fire Management” have been released by the
14 President and apportioned.

15 Funds appropriated to the Forest Service shall be
16 available for assistance to or through the Agency for Inter-
17 national Development and the Foreign Agricultural Serv-
18 ice in connection with forest and rangeland research, tech-
19 nical information, and assistance in foreign countries, and
20 shall be available to support forestry and related natural
21 resource activities outside the United States and its terri-
22 tories and possessions, including technical assistance, edu-
23 cation and training, and cooperation with United States
24 and international organizations.

1 None of the funds made available to the Forest Serv-
2 ice under this Act shall be subject to transfer under the
3 provisions of section 702(b) of the Department of Agri-
4 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
5 147b unless the proposed transfer is approved in advance
6 by the House and Senate Committees on Appropriations
7 in compliance with the reprogramming procedures con-
8 tained in House Report No. 105–163.

9 None of the funds available to the Forest Service may
10 be reprogrammed without the advance approval of the
11 House and Senate Committees on Appropriations in ac-
12 cordance with the procedures contained in House Report
13 No. 105–163.

14 No funds available to the Forest Service shall be
15 transferred to the Working Capital Fund of the Depart-
16 ment of Agriculture that exceed the total amount trans-
17 ferred during fiscal year 2000 for such purposes without
18 the advance approval of the House and Senate Committees
19 on Appropriations.

20 Funds available to the Forest Service shall be avail-
21 able to conduct a program of not less than \$2,000,000
22 for high priority projects within the scope of the approved
23 budget which shall be carried out by the Youth Conserva-
24 tion Corps, defined in section 250(c)(4)(E)(xii) of the Bal-

1 anced Budget and Emergency Deficit Control Act of 1985,
2 as amended, for the purposes of such Act.

3 Of the funds available to the Forest Service, \$2,500
4 is available to the Chief of the Forest Service for official
5 reception and representation expenses.

6 Pursuant to sections 405(b) and 410(b) of Public
7 Law 101–593, of the funds available to the Forest Service,
8 up to \$2,250,000 may be advanced in a lump sum as Fed-
9 eral financial assistance to the National Forest Founda-
10 tion, without regard to when the Foundation incurs ex-
11 penses, for administrative expenses or projects on or bene-
12 fitting National Forest System lands or related to Forest
13 Service programs: *Provided*, That of the Federal funds
14 made available to the Foundation, no more than \$300,000
15 shall be available for administrative expenses: *Provided*
16 *further*, That the Foundation shall obtain, by the end of
17 the period of Federal financial assistance, private con-
18 tributions to match on at least one-for-one basis funds
19 made available by the Forest Service: *Provided further*,
20 That the Foundation may transfer Federal funds to a
21 non-Federal recipient for a project at the same rate that
22 the recipient has obtained the non-Federal matching
23 funds: *Provided further*, That hereafter, the National For-
24 est Foundation may hold Federal funds made available
25 but not immediately disbursed and may use any interest

1 or other investment income earned (before, on, or after
2 the date of the enactment of this Act) on Federal funds
3 to carry out the purposes of Public Law 101–593: *Pro-*
4 *vided further*, That such investments may be made only
5 in interest-bearing obligations of the United States or in
6 obligations guaranteed as to both principal and interest
7 by the United States.

8 Pursuant to section 2(b)(2) of Public Law 98–244,
9 \$2,650,000 of the funds available to the Forest Service
10 shall be available for matching funds to the National Fish
11 and Wildlife Foundation, as authorized by 16 U.S.C.
12 3701–3709, and may be advanced in a lump sum as Fed-
13 eral financial assistance, without regard to when expenses
14 are incurred, for projects on or benefitting National For-
15 est System lands or related to Forest Service programs:
16 *Provided*, That the Foundation shall obtain, by the end
17 of the period of Federal financial assistance, private con-
18 tributions to match on at least one-for-one basis funds ad-
19 vanced by the Forest Service: *Provided further*, That the
20 Foundation may transfer Federal funds to a non-Federal
21 recipient for a project at the same rate that the recipient
22 has obtained the non-Federal matching funds.

23 Funds appropriated to the Forest Service shall be
24 available for interactions with and providing technical as-

1 sistance to rural communities for sustainable rural devel-
2 opment purposes.

3 Notwithstanding any other provision of law, 80 per-
4 cent of the funds appropriated to the Forest Service in
5 the “National Forest System” and “Capital Improvement
6 and Maintenance” accounts and planned to be allocated
7 to activities under the “Jobs in the Woods” program for
8 projects on National Forest land in the State of Wash-
9 ington may be granted directly to the Washington State
10 Department of Fish and Wildlife for accomplishment of
11 planned projects. 20 percent of said funds shall be re-
12 tained by the Forest Service for planning and admin-
13 istering projects. Project selection and prioritization shall
14 be accomplished by the Forest Service with such consulta-
15 tion with the State of Washington as the Forest Service
16 deems appropriate.

17 Funds appropriated to the Forest Service shall be
18 available for payments to counties within the Columbia
19 River Gorge National Scenic Area, pursuant to sections
20 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
21 663.

22 The Secretary of Agriculture is authorized to enter
23 into grants, contracts, and cooperative agreements as ap-
24 propriate with the Pinchot Institute for Conservation, as
25 well as with public and other private agencies, organiza-

1 tions, institutions, and individuals, to provide for the de-
2 velopment, administration, maintenance, or restoration of
3 land, facilities, or Forest Service programs, at the Grey
4 Towers National Historic Landmark: *Provided*, That, sub-
5 ject to such terms and conditions as the Secretary of Agri-
6 culture may prescribe, any such public or private agency,
7 organization, institution, or individual may solicit, accept,
8 and administer private gifts of money and real or personal
9 property for the benefit of, or in connection with, the ac-
10 tivities and services at the Grey Towers National Historic
11 Landmark: *Provided further*, That such gifts may be ac-
12 cepted notwithstanding the fact that a donor conducts
13 business with the Department of Agriculture in any capac-
14 ity.

15 Funds appropriated to the Forest Service shall be
16 available, as determined by the Secretary, for payments
17 to Del Norte County, California, pursuant to sections
18 13(e) and 14 of the Smith River National Recreation Area
19 Act (Public Law 101–612).

20 Notwithstanding any other provision of law, any ap-
21 propriations or funds available to the Forest Service not
22 to exceed \$500,000 may be used to reimburse the Office
23 of the General Counsel (OGC), Department of Agri-
24 culture, for travel and related expenses incurred as a re-
25 sult of OGC assistance or participation requested by the

1 Forest Service at meetings, training sessions, management
2 reviews, land purchase negotiations and similar non-litiga-
3 tion related matters. Future budget justifications for both
4 the Forest Service and the Department of Agriculture
5 should clearly display the sums previously transferred and
6 the requested funding transfers.

7 No employee of the Department of Agriculture may
8 be detailed or assigned from an agency or office funded
9 by this Act to any other agency or office of the department
10 for more than 30 days unless the individual's employing
11 agency or office is fully reimbursed by the receiving agency
12 or office for the salary and expenses of the employee for
13 the period of assignment.

14 The Forest Service shall fund indirect expenses, that
15 is expenses not directly related to specific programs or to
16 the accomplishment of specific work on-the-ground, from
17 any funds available to the Forest Service: *Provided*, That
18 the Forest Service shall implement and adhere to the defi-
19 nitions of indirect expenditures established pursuant to
20 Public Law 105–277 on a nationwide basis without flexi-
21 bility for modification by any organizational level except
22 the Washington Office, and when changed by the Wash-
23 ington Office, such changes in definition shall be reported
24 in budget requests submitted by the Forest Service: *Pro-*
25 *vided further*, That the Forest Service shall provide in all

1 future budget justifications, planned indirect expenditures
2 in accordance with the definitions, summarized and dis-
3 played to the Regional, Station, Area, and detached unit
4 office level. The justification shall display the estimated
5 source and amount of indirect expenditures, by expanded
6 budget line item, of funds in the agency's annual budget
7 justification. The display shall include appropriated funds
8 and the Knutson-Vandenberg, Brush Disposal, Coopera-
9 tive Work-Other, and Salvage Sale funds. Changes be-
10 tween estimated and actual indirect expenditures shall be
11 reported in subsequent budget justifications: *Provided*,
12 That during fiscal year 2002 the Secretary shall limit total
13 annual indirect obligations from the Brush Disposal,
14 Knutson-Vandenberg, Reforestation, Salvage Sale, and
15 Roads and Trails funds to 20 percent of the total obliga-
16 tions from each fund. Obligations in excess of 20 percent
17 which would otherwise be charged to the above funds may
18 be charged to appropriated funds available to the Forest
19 Service subject to notification of the Committees on Ap-
20 propriations of the House and Senate.

21 Any appropriations or funds available to the Forest
22 Service may be used for necessary expenses in the event
23 of law enforcement emergencies as necessary to protect
24 natural resources and public or employee safety: *Provided*,
25 That such amounts shall not exceed \$750,000.

1 The Secretary of Agriculture may authorize the sale
2 of excess buildings, facilities, and other properties owned
3 by the Forest Service and located on the Green Mountain
4 National Forest, the revenues of which shall be retained
5 by the Forest Service and available to the Secretary with-
6 out further appropriation and until expended for mainte-
7 nance and rehabilitation activities on the Green Mountain
8 National Forest.

9 DEPARTMENT OF ENERGY

10 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

11 For necessary expenses in carrying out fossil energy
12 research and development activities, under the authority
13 of the Department of Energy Organization Act (Public
14 Law 95–91), including the acquisition of interest, includ-
15 ing defeasible and equitable interests in any real property
16 or any facility or for plant or facility acquisition or expan-
17 sion, and for conducting inquiries, technological investiga-
18 tions and research concerning the extraction, processing,
19 use, and disposal of mineral substances without objection-
20 able social and environmental costs (30 U.S.C. 3, 1602,
21 and 1603), \$579,000,000, to remain available until ex-
22 pended, of which \$150,000,000 is to be available, after
23 coordination with the private sector, for a request for pro-
24 posals for a Clean Coal Power Initiative providing for com-
25 petitively-awarded research, development and demonstra-

1 tion of commercial scale technologies to reduce the bar-
 2 riers to continued and expanded coal use: *Provided*, That
 3 all awards shall be cost-shared with industry participants:
 4 *Provided further*, That in order to enhance the return to
 5 the taxpayer, provisions for royalties from commercializa-
 6 tion of funded technologies shall be included in the pro-
 7 gram solicitation, including provisions for reasonable roy-
 8 alties from sale or licensing of technologies from both do-
 9 mestic and foreign transactions: *Provided further*, That no
 10 part of the sum herein made available shall be used for
 11 the field testing of nuclear explosives in the recovery of
 12 oil and gas: *Provided further*, That up to 4 percent of pro-
 13 gram direction funds available to the National Energy
 14 Technology Laboratory may be used to support Depart-
 15 ment of Energy activities not included in this account.

16 NAVAL PETROLEUM AND OIL SHALE RESERVES

17 For expenses necessary to carry out engineering stud-
 18 ies to determine the cost of development, the predicted rate
 19 and quantity of petroleum recovery, the methodology, and
 20 the equipment specifications for development of Shannon
 21 Formation at Naval Petroleum Reserve Numbered 3, uti-
 22 lizing a below-the-reservoir production method,
 23 \$17,371,000, to remain available until expended: *Pro-*
 24 *vided*, That, notwithstanding any other provision of law,
 25 unobligated funds remaining from prior years shall be

1 available for all naval petroleum and oil shale reserve ac-
 2 tivities.

3 ELK HILLS SCHOOL LANDS FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses in fulfilling installment pay-
 6 ments under the Settlement Agreement entered into by
 7 the United States and the State of California on October
 8 11, 1996, as authorized by section 3415 of Public Law
 9 104–106, \$36,000,000, to be derived by transfer from
 10 funds appropriated in prior years under the heading
 11 “Clean Coal Technology”.

12 ENERGY CONSERVATION

13 For necessary expenses in carrying out energy con-
 14 servation activities, \$940,805,000 to remain available
 15 until expended: *Provided*, That \$311,000,000 shall be for
 16 use in energy conservation grant programs as defined in
 17 section 3008(3) of Public Law 99–509 (15 U.S.C. 4507):
 18 *Provided further*, That notwithstanding section 3003(d)(2)
 19 of Public Law 99–509, such sums shall be allocated to
 20 the eligible programs as follows: \$249,000,000 for weath-
 21 erization assistance grants and \$62,000,000 for State en-
 22 ergy conservation grants: *Provided further*, That the Sec-
 23 retary of Energy may waive up to 50 percent of the cost-
 24 sharing requirement for weatherization assistance for a
 25 State which he finds to be experiencing fiscal hardship or
 26 major changes in energy markets or suppliers or other

1 temporary limitations on its ability to provide matching
2 funds, provided that the State is demonstrably engaged
3 in continuing activities to secure non-Federal resources
4 and that such waiver is limited to 1 fiscal year and that
5 no State may be granted such waiver more than twice:
6 *Provided further*, That, hereafter, Indian tribal direct
7 grantees of weatherization assistance shall not be required
8 to provide matching funds.

9 ECONOMIC REGULATION

10 For necessary expenses in carrying out the activities
11 of the Office of Hearings and Appeals, \$1,996,000, to re-
12 main available until expended.

13 STRATEGIC PETROLEUM RESERVE

14 For necessary expenses for Strategic Petroleum Re-
15 serve facility development and operations and program
16 management activities pursuant to the Energy Policy and
17 Conservation Act of 1975, as amended (42 U.S.C. 6201
18 et seq.), \$179,009,000, to remain available until expended,
19 of which \$8,000,000 shall be available for maintenance of
20 a Northeast Home Heating Oil Reserve.

21 ENERGY INFORMATION ADMINISTRATION

22 For necessary expenses in carrying out the activities
23 of the Energy Information Administration, \$78,499,000,
24 to remain available until expended.

1 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

2 Appropriations under this Act for the current fiscal
3 year shall be available for hire of passenger motor vehicles;
4 hire, maintenance, and operation of aircraft; purchase, re-
5 pair, and cleaning of uniforms; and reimbursement to the
6 General Services Administration for security guard serv-
7 ices.

8 From appropriations under this Act, transfers of
9 sums may be made to other agencies of the Government
10 for the performance of work for which the appropriation
11 is made.

12 None of the funds made available to the Department
13 of Energy under this Act shall be used to implement or
14 finance authorized price support or loan guarantee pro-
15 grams unless specific provision is made for such programs
16 in an appropriations Act.

17 The Secretary is authorized to accept lands, build-
18 ings, equipment, and other contributions from public and
19 private sources and to prosecute projects in cooperation
20 with other agencies, Federal, State, private or foreign:
21 *Provided*, That revenues and other moneys received by or
22 for the account of the Department of Energy or otherwise
23 generated by sale of products in connection with projects
24 of the Department appropriated under this Act may be
25 retained by the Secretary of Energy, to be available until

1 expended, and used only for plant construction, operation,
2 costs, and payments to cost-sharing entities as provided
3 in appropriate cost-sharing contracts or agreements: *Pro-*
4 *vided further*, That the remainder of revenues after the
5 making of such payments shall be covered into the Treas-
6 ury as miscellaneous receipts: *Provided further*, That any
7 contract, agreement, or provision thereof entered into by
8 the Secretary pursuant to this authority shall not be exe-
9 cuted prior to the expiration of 30 calendar days (not in-
10 cluding any day in which either House of Congress is not
11 in session because of adjournment of more than 3 calendar
12 days to a day certain) from the receipt by the Speaker
13 of the House of Representatives and the President of the
14 Senate of a full comprehensive report on such project, in-
15 cluding the facts and circumstances relied upon in support
16 of the proposed project.

17 No funds provided in this Act may be expended by
18 the Department of Energy to prepare, issue, or process
19 procurement documents for programs or projects for
20 which appropriations have not been made.

21 In addition to other authorities set forth in this Act,
22 the Secretary may accept fees and contributions from pub-
23 lic and private sources, to be deposited in a contributed
24 funds account, and prosecute projects using such fees and

1 contributions in cooperation with other Federal, State or
2 private agencies or concerns.

3 DEPARTMENT OF HEALTH AND HUMAN
4 SERVICES

5 INDIAN HEALTH SERVICE

6 INDIAN HEALTH SERVICES

7 For expenses necessary to carry out the Act of Au-
8 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
9 tion Act, the Indian Health Care Improvement Act, and
10 titles II and III of the Public Health Service Act with re-
11 spect to the Indian Health Service, \$2,390,014,000, to-
12 gether with payments received during the fiscal year pur-
13 suant to 42 U.S.C. 238(b) for services furnished by the
14 Indian Health Service: *Provided*, That funds made avail-
15 able to tribes and tribal organizations through contracts,
16 grant agreements, or any other agreements or compacts
17 authorized by the Indian Self-Determination and Edu-
18 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
19 deemed to be obligated at the time of the grant or contract
20 award and thereafter shall remain available to the tribe
21 or tribal organization without fiscal year limitation: *Pro-*
22 *vided further*, That \$15,000,000 shall remain available
23 until expended, for the Indian Catastrophic Health Emer-
24 gency Fund: *Provided further*, That \$445,776,000 for con-
25 tract medical care shall remain available for obligation

1 until September 30, 2003: *Provided further*, That of the
2 funds provided, up to \$22,000,000 shall be used to carry
3 out the loan repayment program under section 108 of the
4 Indian Health Care Improvement Act: *Provided further*,
5 That funds provided in this Act may be used for 1-year
6 contracts and grants which are to be performed in 2 fiscal
7 years, so long as the total obligation is recorded in the
8 year for which the funds are appropriated: *Provided fur-*
9 *ther*, That the amounts collected by the Secretary of
10 Health and Human Services under the authority of title
11 IV of the Indian Health Care Improvement Act shall re-
12 main available until expended for the purpose of achieving
13 compliance with the applicable conditions and require-
14 ments of titles XVIII and XIX of the Social Security Act
15 (exclusive of planning, design, or construction of new fa-
16 cilities): *Provided further*, That funding contained herein,
17 and in any earlier appropriations Acts for scholarship pro-
18 grams under the Indian Health Care Improvement Act
19 (25 U.S.C. 1613) shall remain available for obligation
20 until September 30, 2003: *Provided further*, That amounts
21 received by tribes and tribal organizations under title IV
22 of the Indian Health Care Improvement Act shall be re-
23 ported and accounted for and available to the receiving
24 tribes and tribal organizations until expended: *Provided*
25 *further*, That, notwithstanding any other provision of law,

1 of the amounts provided herein, not to exceed
2 \$268,234,000 shall be for payments to tribes and tribal
3 organizations for contract or grant support costs associ-
4 ated with contracts, grants, self-governance compacts or
5 annual funding agreements between the Indian Health
6 Service and a tribe or tribal organization pursuant to the
7 Indian Self-Determination Act of 1975, as amended, prior
8 to or during fiscal year 2002, of which not to exceed
9 \$20,000,000 may be used for contract support costs asso-
10 ciated with new or expanded self-determination contracts,
11 grants, self-governance compacts or annual funding agree-
12 ments: *Provided further*, That such costs should be paid
13 at a rate commensurate with existing contracts and no
14 new or expanded self-determination contracts, grants, self-
15 governance compacts or annual funding agreements shall
16 be entered into once the \$20,000,000 has been committed:
17 *Provided further*, That no existing self-determination con-
18 tract, grant, self-governance compact or annual funding
19 agreement shall receive direct contract support costs in ex-
20 cess of the amount received in fiscal year 2001 for such
21 costs: *Provided further*, That funds available for the In-
22 dian Health Care Improvement Fund may be used, as
23 needed, to carry out activities typically funded under the
24 Indian Health Facilities account.

For construction, repair, maintenance, improvement, equipment of health and related auxiliary facilities, living quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Indian Health Care Improvement Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Health Care Improvement Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out the purposes of the Indian Health Care Improvement Act and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$9,795,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the amount so appropriated shall be available for the planning, design, construction and renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, \$5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for acquisition of land, planning, design and construction

1 of 79 staff quarters at Bethel, Alaska, subject to a nego-
2 tiated project agreement between the YKHC and the In-
3 dian Health Service: *Provided further*, That this project
4 shall not be subject to the construction provisions of the
5 Indian Self-Determination and Education Assistance Act
6 and shall be removed from the Indian Health Service pri-
7 ority list upon completion: *Provided further*, That the Fed-
8 eral Government shall not be liable for any property dam-
9 ages or other construction claims that may arise from
10 YKHC undertaking this project: *Provided further*, That
11 the land shall be owned or leased by the YKHC and title
12 to quarters shall remain vested with the YKHC: *Provided*
13 *further*, That \$5,000,000 shall remain available until ex-
14 pended for the purpose of funding up to two joint venture
15 health care facility projects authorized under the Indian
16 Health Care Improvement Act, as amended: *Provided fur-*
17 *ther*, That priority, by rank order, shall be given to tribes
18 with outpatient projects on the existing Indian Health
19 Services priority list that have Service-approved planning
20 documents, and can demonstrate by March 1, 2002, the
21 financial capability necessary to provide an appropriate fa-
22 cility: *Provided further*, That joint venture funds
23 unallocated after March 1, 2002, shall be made available
24 for joint venture projects on a competitive basis giving pri-
25 ority to tribes that currently have no existing federally-

1 owned health care facility, have planning documents meet-
2 ing Indian Health Service requirements prepared for ap-
3 proval by the Service and can demonstrate the financial
4 capability needed to provide an appropriate facility: *Pro-*
5 *vided further*, That the Indian Health Service shall request
6 additional staffing, operation and maintenance funds for
7 these facilities in future budget requests: *Provided further*,
8 That not to exceed \$500,000 shall be used by the Indian
9 Health Service to purchase TRANSAM equipment from
10 the Department of Defense for distribution to the Indian
11 Health Service and tribal facilities: *Provided further*, That
12 not to exceed \$500,000 shall be used by the Indian Health
13 Service to obtain ambulances for the Indian Health Serv-
14 ice and tribal facilities in conjunction with an existing
15 interagency agreement between the Indian Health Service
16 and the General Services Administration: *Provided further*,
17 That not to exceed \$500,000 shall be placed in a Demoli-
18 tion Fund, available until expended, to be used by the In-
19 dian Health Service for demolition of Federal buildings:
20 *Provided further*, That notwithstanding the provisions of
21 title III, section 306, of the Indian Health Care Improve-
22 ment Act (Public Law 94-437, as amended), construction
23 contracts authorized under title I of the Indian Self-Deter-
24 mination and Education Assistance Act of 1975, as
25 amended, may be used rather than grants to fund small

1 ambulatory facility construction projects: *Provided further*,
2 That if a contract is used, the IHS is authorized to im-
3 prove municipal, private, or tribal lands, and that at no
4 time, during construction or after completion of the
5 project will the Federal Government have any rights or
6 title to any real or personal property acquired as a part
7 of the contract.

8 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

9 Appropriations in this Act to the Indian Health Serv-
10 ice shall be available for services as authorized by 5 U.S.C.
11 3109 but at rates not to exceed the per diem rate equiva-
12 lent to the maximum rate payable for senior-level positions
13 under 5 U.S.C. 5376; hire of passenger motor vehicles and
14 aircraft; purchase of medical equipment; purchase of re-
15 prints; purchase, renovation and erection of modular
16 buildings and renovation of existing facilities; payments
17 for telephone service in private residences in the field,
18 when authorized under regulations approved by the Sec-
19 retary; and for uniforms or allowances therefore as au-
20 thorized by 5 U.S.C. 5901–5902; and for expenses of at-
21 tendance at meetings which are concerned with the func-
22 tions or activities for which the appropriation is made or
23 which will contribute to improved conduct, supervision, or
24 management of those functions or activities.

25 In accordance with the provisions of the Indian
26 Health Care Improvement Act, non-Indian patients may

1 be extended health care at all tribally administered or In-
2 dian Health Service facilities, subject to charges, and the
3 proceeds along with funds recovered under the Federal
4 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
5 be credited to the account of the facility providing the
6 service and shall be available without fiscal year limitation.
7 Notwithstanding any other law or regulation, funds trans-
8 ferred from the Department of Housing and Urban Devel-
9 opment to the Indian Health Service shall be administered
10 under Public Law 86–121 (the Indian Sanitation Facili-
11 ties Act) and Public Law 93–638, as amended.

12 Funds appropriated to the Indian Health Service in
13 this Act, except those used for administrative and program
14 direction purposes, shall not be subject to limitations di-
15 rected at curtailing Federal travel and transportation.

16 Notwithstanding any other provision of law, funds
17 previously or herein made available to a tribe or tribal or-
18 ganization through a contract, grant, or agreement au-
19 thorized by title I or title III of the Indian Self-Determina-
20 tion and Education Assistance Act of 1975 (25 U.S.C.
21 450), may be deobligated and reobligated to a self-deter-
22 mination contract under title I, or a self-governance agree-
23 ment under title III of such Act and thereafter shall re-
24 main available to the tribe or tribal organization without
25 fiscal year limitation.

1 None of the funds made available to the Indian
2 Health Service in this Act shall be used to implement the
3 final rule published in the Federal Register on September
4 16, 1987, by the Department of Health and Human Serv-
5 ices, relating to the eligibility for the health care services
6 of the Indian Health Service until the Indian Health Serv-
7 ice has submitted a budget request reflecting the increased
8 costs associated with the proposed final rule, and such re-
9 quest has been included in an appropriations Act and en-
10 acted into law.

11 Funds made available in this Act are to be appor-
12 tioned to the Indian Health Service as appropriated in this
13 Act, and accounted for in the appropriation structure set
14 forth in this Act.

15 With respect to functions transferred by the Indian
16 Health Service to tribes or tribal organizations, the Indian
17 Health Service is authorized to provide goods and services
18 to those entities, on a reimbursable basis, including pay-
19 ment in advance with subsequent adjustment. The reim-
20 bursements received therefrom, along with the funds re-
21 ceived from those entities pursuant to the Indian Self-De-
22 termination Act, may be credited to the same or subse-
23 quent appropriation account which provided the funding.
24 Such amounts shall remain available until expended.

1 Reimbursements for training, technical assistance, or
2 services provided by the Indian Health Service will contain
3 total costs, including direct, administrative, and overhead
4 associated with the provision of goods, services, or tech-
5 nical assistance.

6 The appropriation structure for the Indian Health
7 Service may not be altered without advance approval of
8 the House and Senate Committees on Appropriations.

9 OTHER RELATED AGENCIES

10 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of Navajo and
13 Hopi Indian Relocation as authorized by Public Law 93–
14 531, \$15,148,000, to remain available until expended:
15 *Provided*, That funds provided in this or any other appro-
16 priations Act are to be used to relocate eligible individuals
17 and groups including evictees from District 6, Hopi-parti-
18 tioned lands residents, those in significantly substandard
19 housing, and all others certified as eligible and not in-
20 cluded in the preceding categories: *Provided further*, That
21 none of the funds contained in this or any other Act may
22 be used by the Office of Navajo and Hopi Indian Reloca-
23 tion to evict any single Navajo or Navajo family who, as
24 of November 30, 1985, was physically domiciled on the
25 lands partitioned to the Hopi Tribe unless a new or re-

1 placement home is provided for such household: *Provided*
 2 *further*, That no relocatee will be provided with more than
 3 one new or replacement home: *Provided further*, That the
 4 Office shall relocate any certified eligible relocatees who
 5 have selected and received an approved homesite on the
 6 Navajo reservation or selected a replacement residence off
 7 the Navajo reservation or on the land acquired pursuant
 8 to 25 U.S.C. 640d–10.

9 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
 10 CULTURE AND ARTS DEVELOPMENT

11 PAYMENT TO THE INSTITUTE

12 For payment to the Institute of American Indian and
 13 Alaska Native Culture and Arts Development, as author-
 14 ized by title XV of Public Law 99–498, as amended (20
 15 U.S.C. 56 part A), \$4,490,000.

16 SMITHSONIAN INSTITUTION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Smithsonian Institu-
 19 tion, as authorized by law, including research in the fields
 20 of art, science, and history; development, preservation, and
 21 documentation of the National Collections; presentation of
 22 public exhibits and performances; collection, preparation,
 23 dissemination, and exchange of information and publica-
 24 tions; conduct of education, training, and museum assist-
 25 ance programs; maintenance, alteration, operation, lease

1 (for terms not to exceed 30 years), and protection of build-
2 ings, facilities, and approaches; not to exceed \$100,000
3 for services as authorized by 5 U.S.C. 3109; up to five
4 replacement passenger vehicles; purchase, rental, repair,
5 and cleaning of uniforms for employees, \$396,200,000, of
6 which not to exceed \$53,030,000 is for the instrumenta-
7 tion program, collections acquisition, Museum Support
8 Center equipment and move, exhibition reinstallation, the
9 National Museum of the American Indian, the repatriation
10 of skeletal remains program, research equipment, informa-
11 tion management, Latino programming, and outreach,
12 and including such funds as may be necessary to support
13 American overseas research centers and a total of
14 \$125,000 for the Council of American Overseas Research
15 Centers: *Provided*, That funds appropriated herein are
16 available for advance payments to independent contractors
17 performing research services or participating in official
18 Smithsonian presentations: *Provided further*, That the
19 Smithsonian Institution may expend Federal appropria-
20 tions designated in this Act for lease or rent payments
21 for long term and swing space, as rent payable to the
22 Smithsonian Institution, and such rent payments may be
23 deposited into the general trust funds of the Institution
24 to the extent that federally supported activities are housed
25 in the 900 H Street, N.W. building in the District of Co-

1 lumbia: *Provided further*, That this use of Federal appro-
 2 priations shall not be construed as debt service, a Federal
 3 guarantee of, a transfer of risk to, or an obligation of the
 4 Federal Government: *Provided further*, That no appro-
 5 priated funds may be used to service debt which is in-
 6 curred to finance the costs of acquiring the 900 H Street
 7 building or of planning, designing, and constructing im-
 8 provements to such building.

9 REPAIR, RESTORATION AND ALTERATION OF FACILITIES

10 For necessary expenses of maintenance, repair, res-
 11 toration, and alteration of facilities owned or occupied by
 12 the Smithsonian Institution, by contract or otherwise, as
 13 authorized by section 2 of the Act of August 22, 1949
 14 (63 Stat. 623), including not to exceed \$10,000 for serv-
 15 ices as authorized by 5 U.S.C. 3109, \$67,900,000, to re-
 16 main available until expended, of which \$10,000,000 is
 17 provided for maintenance, repair, rehabilitation and alter-
 18 ation of facilities at the National Zoological Park: *Pro-*
 19 *vided*, That contracts awarded for environmental systems,
 20 protection systems, and repair or restoration of facilities
 21 of the Smithsonian Institution may be negotiated with se-
 22 lected contractors and awarded on the basis of contractor
 23 qualifications as well as price.

24 CONSTRUCTION

25 For necessary expenses for construction,
 26 \$30,000,000, to remain available until expended.

1 ADMINISTRATIVE PROVISIONS, SMITHSONIAN
2 INSTITUTION

3 None of the funds in this or any other Act may be
4 used to make any changes to the existing Smithsonian
5 science programs including closure of facilities, relocation
6 of staff or redirection of functions and programs without
7 approval by the Board of Regents of recommendations re-
8 ceived from the Science Commission.

9 None of the funds in this or any other Act may be
10 used to initiate the design for any proposed expansion of
11 current space or new facility without consultation with the
12 House and Senate Appropriations Committees.

13 None of the funds in this or any other Act may be
14 used for the Holt House located at the National Zoological
15 Park in Washington, D.C., unless identified as repairs to
16 minimize water damage, monitor structure movement, or
17 provide interim structural support.

18 None of the funds available to the Smithsonian may
19 be reprogrammed without the advance written approval of
20 the House and Senate Committees on Appropriations in
21 accordance with the procedures contained in House Report
22 No. 105–163.

1 NATIONAL GALLERY OF ART

2 SALARIES AND EXPENSES

3 For the upkeep and operations of the National Gal-
4 lery of Art, the protection and care of the works of art
5 therein, and administrative expenses incident thereto, as
6 authorized by the Act of March 24, 1937 (50 Stat. 51),
7 as amended by the public resolution of April 13, 1939
8 (Public Resolution 9, Seventy-sixth Congress), including
9 services as authorized by 5 U.S.C. 3109; payment in ad-
10 vance when authorized by the treasurer of the Gallery for
11 membership in library, museum, and art associations or
12 societies whose publications or services are available to
13 members only, or to members at a price lower than to the
14 general public; purchase, repair, and cleaning of uniforms
15 for guards, and uniforms, or allowances therefor, for other
16 employees as authorized by law (5 U.S.C. 5901–5902);
17 purchase or rental of devices and services for protecting
18 buildings and contents thereof, and maintenance, alter-
19 ation, improvement, and repair of buildings, approaches,
20 and grounds; and purchase of services for restoration and
21 repair of works of art for the National Gallery of Art by
22 contracts made, without advertising, with individuals,
23 firms, or organizations at such rates or prices and under
24 such terms and conditions as the Gallery may deem prop-
25 er, \$68,967,000, of which not to exceed \$3,026,000 for

1 the special exhibition program shall remain available until
2 expended.

3 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

4 For necessary expenses of repair, restoration and
5 renovation of buildings, grounds and facilities owned or
6 occupied by the National Gallery of Art, by contract or
7 otherwise, as authorized, \$14,220,000, to remain available
8 until expended: *Provided*, That contracts awarded for envi-
9 ronmental systems, protection systems, and exterior repair
10 or renovation of buildings of the National Gallery of Art
11 may be negotiated with selected contractors and awarded
12 on the basis of contractor qualifications as well as price.

13 JOHN F. KENNEDY CENTER FOR THE PERFORMING
14 ARTS

15 OPERATIONS AND MAINTENANCE

16 For necessary expenses for the operation, mainte-
17 nance and security of the John F. Kennedy Center for
18 the Performing Arts, \$15,000,000.

19 CONSTRUCTION

20 For necessary expenses for capital repair and restora-
21 tion of the existing features of the building and site of
22 the John F. Kennedy Center for the Performing Arts,
23 \$19,000,000, to remain available until expended.

1 WOODROW WILSON INTERNATIONAL CENTER FOR
2 SCHOLARS
3 SALARIES AND EXPENSES

4 For expenses necessary in carrying out the provisions
5 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
6 1356) including hire of passenger vehicles and services as
7 authorized by 5 U.S.C. 3109, \$7,796,000.

8 NATIONAL FOUNDATION ON THE ARTS AND THE
9 HUMANITIES
10 NATIONAL ENDOWMENT FOR THE ARTS
11 GRANTS AND ADMINISTRATION

12 For necessary expenses to carry out the National
13 Foundation on the Arts and the Humanities Act of 1965,
14 as amended, \$98,234,000, shall be available to the Na-
15 tional Endowment for the Arts for the support of projects
16 and productions in the arts through assistance to organi-
17 zations and individuals pursuant to sections 5(c) and 5(g)
18 of the Act, for program support, and for administering
19 the functions of the Act, to remain available until ex-
20 pended: *Provided*, That funds previously appropriated to
21 the National Endowment for the Arts “Matching Grants”
22 account may be transferred to and merged with this ac-
23 count.

1 NATIONAL ENDOWMENT FOR THE HUMANITIES

2 GRANTS AND ADMINISTRATION

3 For necessary expenses to carry out the National
4 Foundation on the Arts and the Humanities Act of 1965,
5 as amended, \$107,882,000, shall be available to the Na-
6 tional Endowment for the Humanities for support of ac-
7 tivities in the humanities, pursuant to section 7(c) of the
8 Act, and for administering the functions of the Act, to
9 remain available until expended.

10 MATCHING GRANTS

11 To carry out the provisions of section 10(a)(2) of the
12 National Foundation on the Arts and the Humanities Act
13 of 1965, as amended, \$15,622,000, to remain available
14 until expended, of which \$11,622,000 shall be available
15 to the National Endowment for the Humanities for the
16 purposes of section 7(h): *Provided*, That this appropria-
17 tion shall be available for obligation only in such amounts
18 as may be equal to the total amounts of gifts, bequests,
19 and devises of money, and other property accepted by the
20 chairman or by grantees of the Endowment under the pro-
21 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
22 the current and preceding fiscal years for which equal
23 amounts have not previously been appropriated.

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 OFFICE OF MUSEUM SERVICES

3 GRANTS AND ADMINISTRATION

4 For carrying out subtitle C of the Museum and Li-
5 brary Services Act of 1996, as amended, \$26,899,000, to
6 remain available until expended.

7 CHALLENGE AMERICA ARTS FUND

8 CHALLENGE AMERICA GRANTS

9 For necessary expenses as authorized by Public Law
10 89–209, as amended, \$17,000,000, for support for arts
11 education and public outreach activities to be administered
12 by the National Endowment for the Arts, to remain avail-
13 able until expended.

14 ADMINISTRATIVE PROVISIONS

15 None of the funds appropriated to the National
16 Foundation on the Arts and the Humanities may be used
17 to process any grant or contract documents which do not
18 include the text of 18 U.S.C. 1913: *Provided*, That none
19 of the funds appropriated to the National Foundation on
20 the Arts and the Humanities may be used for official re-
21 ception and representation expenses: *Provided further*,
22 That funds from nonappropriated sources may be used as
23 necessary for official reception and representation ex-
24 penses.

1 COMMISSION OF FINE ARTS

2 SALARIES AND EXPENSES

3 For expenses made necessary by the Act establishing
4 a Commission of Fine Arts (40 U.S.C. 104), \$1,274,000:
5 *Provided*, That the Commission is authorized to charge
6 fees to cover the full costs of its publications, and such
7 fees shall be credited to this account as an offsetting col-
8 lection, to remain available until expended without further
9 appropriation.

10 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

11 For necessary expenses as authorized by Public Law
12 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

13 ADVISORY COUNCIL ON HISTORIC PRESERVATION

14 SALARIES AND EXPENSES

15 For necessary expenses of the Advisory Council on
16 Historic Preservation (Public Law 89–665, as amended),
17 \$3,400,000: *Provided*, That none of these funds shall be
18 available for compensation of level V of the Executive
19 Schedule or higher positions.

20 NATIONAL CAPITAL PLANNING COMMISSION

21 SALARIES AND EXPENSES

22 For necessary expenses, as authorized by the Na-
23 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
24 including services as authorized by 5 U.S.C. 3109,
25 \$7,253,000: *Provided*, That all appointed members of the
26 Commission will be compensated at a rate not to exceed

1 the daily equivalent of the annual rate of pay for positions
2 at level IV of the Executive Schedule for each day such
3 member is engaged in the actual performance of duties.

4 UNITED STATES HOLOCAUST MEMORIAL COUNCIL
5 HOLOCAUST MEMORIAL MUSEUM

6 For expenses of the Holocaust Memorial Museum, as
7 authorized by Public Law 96–388 (36 U.S.C. 1401), as
8 amended (36 U.S.C. 2301–2310), \$36,028,000, of which
9 \$1,900,000 for the museum’s repair and rehabilitation
10 program and \$1,264,000 for the museum’s exhibitions
11 program shall remain available until expended.

12 PRESIDIO TRUST
13 PRESIDIO TRUST FUND

14 For necessary expenses to carry out title I of the Om-
15 nibus Parks and Public Lands Management Act of 1996,
16 \$22,427,000, shall be available to the Presidio Trust, to
17 remain available until expended.

18 TITLE III—GENERAL PROVISIONS

19 SEC. 301. The expenditure of any appropriation
20 under this Act for any consulting service through procure-
21 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
22 to those contracts where such expenditures are a matter
23 of public record and available for public inspection, except
24 where otherwise provided under existing law, or under ex-
25 isting Executive Order issued pursuant to existing law.

1 SEC. 302. No part of any appropriation contained in
2 this Act shall be available for any activity or the publica-
3 tion or distribution of literature that in any way tends to
4 promote public support or opposition to any legislative
5 proposal on which congressional action is not complete.

6 SEC. 303. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly so provided herein.

9 SEC. 304. None of the funds provided in this Act to
10 any department or agency shall be obligated or expended
11 to provide a personal cook, chauffeur, or other personal
12 servants to any officer or employee of such department
13 or agency except as otherwise provided by law.

14 SEC. 305. No assessments may be levied against any
15 program, budget activity, subactivity, or project funded by
16 this Act unless advance notice of such assessments and
17 the basis therefor are presented to the Committees on Ap-
18 propriations and are approved by such committees.

19 SEC. 306. None of the funds in this Act may be used
20 to plan, prepare, or offer for sale timber from trees classi-
21 fied as giant sequoia (*Sequoiadendron giganteum*) which
22 are located on National Forest System or Bureau of Land
23 Management lands in a manner different than such sales
24 were conducted in fiscal year 2001.

1 SEC. 307. None of the funds made available by this
2 Act may be obligated or expended by the National Park
3 Service to enter into or implement a concession contract
4 which permits or requires the removal of the underground
5 lunchroom at the Carlsbad Caverns National Park.

6 SEC. 308. None of the funds made available in this
7 Act may be used: (1) to demolish the bridge between Jer-
8 sey City, New Jersey, and Ellis Island; or (2) to prevent
9 pedestrian use of such bridge, when it is made known to
10 the Federal official having authority to obligate or expend
11 such funds that such pedestrian use is consistent with gen-
12 erally accepted safety standards.

13 SEC. 309. (a) LIMITATION OF FUNDS.—None of the
14 funds appropriated or otherwise made available pursuant
15 to this Act shall be obligated or expended to accept or
16 process applications for a patent for any mining or mill
17 site claim located under the general mining laws.

18 (b) EXCEPTIONS.—The provisions of subsection (a)
19 shall not apply if the Secretary of the Interior determines
20 that, for the claim concerned: (1) a patent application was
21 filed with the Secretary on or before September 30, 1994;
22 and (2) all requirements established under sections 2325
23 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
24 for vein or lode claims and sections 2329, 2330, 2331,
25 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and

1 37) for placer claims, and section 2337 of the Revised
2 Statutes (30 U.S.C. 42) for mill site claims, as the case
3 may be, were fully complied with by the applicant by that
4 date.

5 (c) REPORT.—On September 30, 2002, the Secretary
6 of the Interior shall file with the House and Senate Com-
7 mittees on Appropriations and the Committee on Re-
8 sources of the House of Representatives and the Com-
9 mittee on Energy and Natural Resources of the Senate
10 a report on actions taken by the Department under the
11 plan submitted pursuant to section 314(c) of the Depart-
12 ment of the Interior and Related Agencies Appropriations
13 Act, 1997 (Public Law 104–208).

14 (d) MINERAL EXAMINATIONS.—In order to process
15 patent applications in a timely and responsible manner,
16 upon the request of a patent applicant, the Secretary of
17 the Interior shall allow the applicant to fund a qualified
18 third-party contractor to be selected by the Bureau of
19 Land Management to conduct a mineral examination of
20 the mining claims or mill sites contained in a patent appli-
21 cation as set forth in subsection (b). The Bureau of Land
22 Management shall have the sole responsibility to choose
23 and pay the third-party contractor in accordance with the
24 standard procedures employed by the Bureau of Land
25 Management in the retention of third-party contractors.

1 SEC. 310. Notwithstanding any other provision of
2 law, amounts appropriated to or earmarked in Committee
3 reports for the Bureau of Indian Affairs and the Indian
4 Health Service by Public Laws 103–138, 103–332, 104–
5 134, 104–208, 105–83, 105–277, 106–113, and 106–291
6 for payments to tribes and tribal organizations for con-
7 tract support costs associated with self-determination or
8 self-governance contracts, grants, compacts, or annual
9 funding agreements with the Bureau of Indian Affairs or
10 the Indian Health Service as funded by such Acts, are the
11 total amounts available for fiscal years 1994 through 2001
12 for such purposes, except that, for the Bureau of Indian
13 Affairs, tribes and tribal organizations may use their trib-
14 al priority allocations for unmet indirect costs of ongoing
15 contracts, grants, self-governance compacts or annual
16 funding agreements.

17 SEC. 311. Notwithstanding any other provision of
18 law, for fiscal year 2002 the Secretaries of Agriculture and
19 the Interior are authorized to limit competition for water-
20 shed restoration project contracts as part of the “Jobs in
21 the Woods” Program established in Region 10 of the For-
22 est Service to individuals and entities in historically tim-
23 ber-dependent areas in the States of Washington, Oregon,
24 northern California and Alaska that have been affected by
25 reduced timber harvesting on Federal lands. The Secre-

1 taries shall consider the benefits to the local economy in
2 evaluating bids and designing procurements which create
3 economic opportunities for local contractors.

4 SEC. 312. (a) RECREATIONAL FEE DEMONSTRATION
5 PROGRAM.—Subsection (f) of section 315 of the Depart-
6 ment of the Interior and Related Agencies Appropriations
7 Act, 1996 (as contained in section 101(c) of Public Law
8 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note),
9 is amended—

10 (1) by striking “commence on October 1, 1995,
11 and end on September 30, 2002” and inserting “end
12 on September 30, 2006”; and

13 (2) by striking “September 30, 2005” and in-
14 serting “September 30, 2009”.

15 (b) EXPANSION OF PROGRAM.—Subsection (b) of
16 such section is amended by striking “no fewer than 10,
17 but as many as 100,”.

18 (c) REVENUE SHARING.—Subsection (d)(1) of such
19 section is amended by inserting “the Secure Rural Schools
20 and Community Self-Determination Act of 2000 (Public
21 Law 106–393; 16 U.S.C. 500 note),” before “and any
22 other provision”.

23 (d) DISCOUNTED FEES.—Subsection (b)(2) of such
24 section is amended by inserting after “testing” the fol-

1 lowing: “, including the provision of discounted or free ad-
2 mission or use as the Secretary considers appropriate”.

3 (e) SPECIAL USE PERMITS.—Subsection (b) of such
4 section is amended—

5 (1) in paragraph (4), by striking “and” at the
6 end of the paragraph;

7 (2) in paragraph (5), by striking the period at
8 the end of the paragraph and inserting “; and”; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(6) in fiscal year 2003 and thereafter may re-
12 tain, for distribution and use as provided in sub-
13 section (c), fees imposed by the Forest Service for
14 the issuance of recreation special use authorizations
15 not exceeding 1 year under any provision of law.”.

16 (f) CAPITAL PROJECTS.—Subsection (c)(2) of such
17 section is amended by adding at the end the following new
18 subparagraph:

19 “(D) None of the funds collected under this section
20 may be used to plan, design, or construct a visitor center
21 or any other permanent structure without prior approval
22 of the Committee on Appropriations of the House of Rep-
23 resentatives and the Committee on Appropriations of the
24 Senate if the estimated total cost of the structure exceeds
25 \$500,000.”.

1 SEC. 313. All interests created under leases, conces-
2 sions, permits and other agreements associated with the
3 properties administered by the Presidio Trust, hereafter
4 shall be exempt from all taxes and special assessments of
5 every kind by the State of California and its political sub-
6 divisions.

7 SEC. 314. None of the funds made available in this
8 or any other Act for any fiscal year may be used to des-
9 ignate, or to post any sign designating, any portion of Ca-
10 naval National Seashore in Brevard County, Florida, as
11 a clothing-optional area or as an area in which public nu-
12 dity is permitted, if such designation would be contrary
13 to county ordinance.

14 SEC. 315. Of the funds provided to the National En-
15 dowment for the Arts—

16 (1) The Chairperson shall only award a grant
17 to an individual if such grant is awarded to such in-
18 dividual for a literature fellowship, National Herit-
19 age Fellowship, or American Jazz Masters Fellow-
20 ship.

21 (2) The Chairperson shall establish procedures
22 to ensure that no funding provided through a grant,
23 except a grant made to a State or local arts agency,
24 or regional group, may be used to make a grant to
25 any other organization or individual to conduct ac-

1 tivity independent of the direct grant recipient.
2 Nothing in this subsection shall prohibit payments
3 made in exchange for goods and services.

4 (3) No grant shall be used for seasonal support
5 to a group, unless the application is specific to the
6 contents of the season, including identified programs
7 and/or projects.

8 SEC. 316. The National Endowment for the Arts and
9 the National Endowment for the Humanities are author-
10 ized to solicit, accept, receive, and invest in the name of
11 the United States, gifts, bequests, or devises of money and
12 other property or services and to use such in furtherance
13 of the functions of the National Endowment for the Arts
14 and the National Endowment for the Humanities. Any
15 proceeds from such gifts, bequests, or devises, after ac-
16 ceptance by the National Endowment for the Arts or the
17 National Endowment for the Humanities, shall be paid by
18 the donor or the representative of the donor to the Chair-
19 man. The Chairman shall enter the proceeds in a special
20 interest-bearing account to the credit of the appropriate
21 endowment for the purposes specified in each case.

22 SEC. 317. (a) In providing services or awarding fi-
23 nancial assistance under the National Foundation on the
24 Arts and the Humanities Act of 1965 from funds appro-
25 priated under this Act, the Chairperson of the National

1 Endowment for the Arts shall ensure that priority is given
2 to providing services or awarding financial assistance for
3 projects, productions, workshops, or programs that serve
4 underserved populations.

5 (b) In this section:

6 (1) The term “underserved population” means
7 a population of individuals, including urban minori-
8 ties, who have historically been outside the purview
9 of arts and humanities programs due to factors such
10 as a high incidence of income below the poverty line
11 or to geographic isolation.

12 (2) The term “poverty line” means the poverty
13 line (as defined by the Office of Management and
14 Budget, and revised annually in accordance with sec-
15 tion 673(2) of the Community Services Block Grant
16 Act (42 U.S.C. 9902(2))) applicable to a family of
17 the size involved.

18 (c) In providing services and awarding financial as-
19 sistance under the National Foundation on the Arts and
20 Humanities Act of 1965 with funds appropriated by this
21 Act, the Chairperson of the National Endowment for the
22 Arts shall ensure that priority is given to providing serv-
23 ices or awarding financial assistance for projects, produc-
24 tions, workshops, or programs that will encourage public

1 knowledge, education, understanding, and appreciation of
2 the arts.

3 (d) With funds appropriated by this Act to carry out
4 section 5 of the National Foundation on the Arts and Hu-
5 manities Act of 1965—

6 (1) the Chairperson shall establish a grant cat-
7 egory for projects, productions, workshops, or pro-
8 grams that are of national impact or availability or
9 are able to tour several States;

10 (2) the Chairperson shall not make grants ex-
11 ceeding 15 percent, in the aggregate, of such funds
12 to any single State, excluding grants made under the
13 authority of paragraph (1);

14 (3) the Chairperson shall report to the Con-
15 gress annually and by State, on grants awarded by
16 the Chairperson in each grant category under sec-
17 tion 5 of such Act; and

18 (4) the Chairperson shall encourage the use of
19 grants to improve and support community-based
20 music performance and education.

21 SEC. 318. None of the funds in this Act may be used
22 to support Government-wide administrative functions un-
23 less such functions are justified in the budget process and
24 funding is approved by the House and Senate Committees
25 on Appropriations.

1 SEC. 319. Notwithstanding any other provision of
2 law, none of the funds in this Act may be used for GSA
3 Telecommunication Centers.

4 SEC. 320. None of the funds in this Act may be used
5 for planning, design or construction of improvements to
6 Pennsylvania Avenue in front of the White House without
7 the advance approval of the House and Senate Committees
8 on Appropriations.

9 SEC. 321. Amounts deposited during fiscal year 2001
10 in the roads and trails fund provided for in the fourteenth
11 paragraph under the heading “FOREST SERVICE” of
12 the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501),
13 shall be used by the Secretary of Agriculture, without re-
14 gard to the State in which the amounts were derived, to
15 repair or reconstruct roads, bridges, and trails on National
16 Forest System lands or to carry out and administer
17 projects to improve forest health conditions, which may
18 include the repair or reconstruction of roads, bridges, and
19 trails on National Forest System lands in the wildland-
20 community interface where there is an abnormally high
21 risk of fire. The projects shall emphasize reducing risks
22 to human safety and public health and property and en-
23 hancing ecological functions, long-term forest productivity,
24 and biological integrity. The projects may be completed
25 in a subsequent fiscal year. Funds shall not be expended

1 under this section to replace funds which would otherwise
2 appropriately be expended from the timber salvage sale
3 fund. Nothing in this section shall be construed to exempt
4 any project from any environmental law.

5 SEC. 322. Other than in emergency situations, none
6 of the funds in this Act may be used to operate telephone
7 answering machines during core business hours unless
8 such answering machines include an option that enables
9 callers to reach promptly an individual on-duty with the
10 agency being contacted.

11 SEC. 323. No timber sale in Region 10 shall be adver-
12 tised if the indicated rate is deficit when appraised under
13 the transaction evidence appraisal system using domestic
14 Alaska values for western red cedar: *Provided*, That sales
15 which are deficit when appraised under the transaction
16 evidence appraisal system using domestic Alaska values
17 for western red cedar may be advertised upon receipt of
18 a written request by a prospective, informed bidder, who
19 has the opportunity to review the Forest Service's cruise
20 and harvest cost estimate for that timber. Program accom-
21 plishments shall be based on volume sold. Should Region
22 10 sell, in fiscal year 2001, the annual average portion
23 of the decadal allowable sale quantity called for in the cur-
24 rent Tongass Land Management Plan in sales which are
25 not deficit when appraised under the transaction evidence

1 appraisal system using domestic Alaska values for western
2 red cedar, all of the western red cedar timber from those
3 sales which is surplus to the needs of domestic processors
4 in Alaska, shall be made available to domestic processors
5 in the contiguous 48 United States at prevailing domestic
6 prices. Should Region 10 sell, in fiscal year 2001, less
7 than the annual average portion of the decadal allowable
8 sale quantity called for in the current Tongass Land Man-
9 agement Plan in sales which are not deficit when ap-
10 praised under the transaction evidence appraisal system
11 using domestic Alaska values for western red cedar, the
12 volume of western red cedar timber available to domestic
13 processors at prevailing domestic prices in the contiguous
14 48 United States shall be that volume: (i) which is surplus
15 to the needs of domestic processors in Alaska; and (ii) is
16 that percent of the surplus western red cedar volume de-
17 termined by calculating the ratio of the total timber vol-
18 ume which has been sold on the Tongass to the annual
19 average portion of the decadal allowable sale quantity
20 called for in the current Tongass Land Management Plan.
21 The percentage shall be calculated by Region 10 on a roll-
22 ing basis as each sale is sold (for purposes of this amend-
23 ment, a “rolling basis” shall mean that the determination
24 of how much western red cedar is eligible for sale to var-
25 ious markets shall be made at the time each sale is award-

1 ed). Western red cedar shall be deemed “surplus to the
2 needs of domestic processors in Alaska” when the timber
3 sale holder has presented to the Forest Service docu-
4 mentation of the inability to sell western red cedar logs
5 from a given sale to domestic Alaska processors at price
6 equal to or greater than the log selling value stated in
7 the contract. All additional western red cedar volume not
8 sold to Alaska or contiguous 48 United States domestic
9 processors may be exported to foreign markets at the elec-
10 tion of the timber sale holder. All Alaska yellow cedar may
11 be sold at prevailing export prices at the election of the
12 timber sale holder.

13 SEC. 324. The Forest Service, in consultation with
14 the Department of Labor, shall review Forest Service
15 campground concessions policy to determine if modifica-
16 tions can be made to Forest Service contracts for camp-
17 grounds so that such concessions fall within the regulatory
18 exemption of 29 CFR 4.122(b). The Forest Service shall
19 offer in fiscal year 2002 such concession prospectuses
20 under the regulatory exemption, except that, any pro-
21 spectus that does not meet the requirements of the regu-
22 latory exemption shall be offered as a service contract in
23 accordance with the requirements of 41 U.S.C. 351–358.

24 SEC. 325. A project undertaken by the Forest Service
25 under the Recreation Fee Demonstration Program as au-

1 thorized by section 315 of the Department of the Interior
2 and Related Agencies Appropriations Act for Fiscal Year
3 1996, as amended, shall not result in—

4 (1) displacement of the holder of an authoriza-
5 tion to provide commercial recreation services on
6 Federal lands. Prior to initiating any project, the
7 Secretary shall consult with potentially affected
8 holders to determine what impacts the project may
9 have on the holders. Any modifications to the au-
10 thorization shall be made within the terms and con-
11 ditions of the authorization and authorities of the
12 impacted agency.

13 (2) the return of a commercial recreation serv-
14 ice to the Secretary for operation when such services
15 have been provided in the past by a private sector
16 provider, except when—

17 (A) the private sector provider fails to bid
18 on such opportunities;

19 (B) the private sector provider terminates
20 its relationship with the agency; or

21 (C) the agency revokes the permit for non-
22 compliance with the terms and conditions of the
23 authorization.

24 In such cases, the agency may use the Recreation Fee
25 Demonstration Program to provide for operations until a

1 subsequent operator can be found through the offering of
2 a new prospectus.

3 SEC. 326. For fiscal years 2002 and 2003, the Sec-
4 retary of Agriculture is authorized to limit competition for
5 fire and fuel treatment and watershed restoration con-
6 tracts in the Giant Sequoia National Monument and the
7 Sequoia National Forest. Preference for employment shall
8 be given to dislocated and displaced workers in Tulare,
9 Kern and Fresno Counties, California, for work associated
10 with the establishment of the Giant Sequoia National
11 Monument.

12 SEC. 327. EXPEDITIOUS TREATMENT OF FOREST
13 PLAN REVISIONS.—The Secretary of Agriculture shall
14 complete revisions to all land and resource management
15 plans to manage a unit of the National Forest System pur-
16 suant to Section 6 of the Forest and Rangeland Renew-
17 able Resources Planning Act of 1974 (16 U.S.C. 1604)
18 as expeditiously as practicable using the funds provided
19 for that purpose by this Act.

20 SEC. 328. Until September 30, 2003, the authority
21 of the Secretary of Agriculture to enter into a cooperative
22 agreement under the first section of Public Law 94–148
23 (16 U.S.C. 565a–1) for a purpose described in such sec-
24 tion includes the authority to use that legal instrument
25 when the principal purpose of the resulting relationship

1 is to the mutually significant benefit of the Forest Service
2 and the other party or parties to the agreement, including
3 nonprofit entities.

4 SEC. 329. (a) PILOT PROGRAM AUTHORIZING CON-
5 VEYANCE OF EXCESS FOREST SERVICE STRUCTURES.—
6 The Secretary of Agriculture may convey, by sale or ex-
7 change, any or all right, title, and interest of the United
8 States in and to excess buildings and other structures lo-
9 cated on National Forest System lands and under the ju-
10 risdiction of the Forest Service. The conveyance may in-
11 clude the land on which the building or other structure
12 is located and such other land immediately adjacent to the
13 building or structure as the Secretary considers necessary.

14 (b) LIMITATION.—Not more than 10 conveyances
15 may be made under the authority of this section, and the
16 Secretary of Agriculture shall obtain the concurrence of
17 the Committee on Appropriations of the House of Rep-
18 resentatives and the Committee on Appropriations of the
19 Senate in advance of each conveyance.

20 (c) USE OF PROCEEDS.—The proceeds derived from
21 the sale of a building or other structure under this section
22 shall be retained by the Secretary of Agriculture and shall
23 be available to the Secretary, without further appropria-
24 tion until expended, for maintenance and rehabilitation ac-

1 tivities within the Forest Service Region in which the
2 building or structure is located.

3 (d) DURATION OF AUTHORITY.—The authority pro-
4 vided by this section expires on September 30, 2005.

5 SEC. 330. Section 551(c) of the Land Between the
6 Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is
7 amended by striking “2002” and inserting “2004”.

8 SEC. 331. Section 323(a) of the Department of the
9 Interior and Related Agencies Appropriations Act, 1999,
10 as included in Public Law 105–277, Div. A, section 101(e)
11 is amended by inserting “and fiscal years 2002 through
12 2005,” before “to the extent funds are otherwise avail-
13 able”.

14 SEC. 332. No funds made available under this Act
15 shall be made available to any person or entity who has
16 been convicted of violating the Act of March 3, 1933 (41
17 U.S.C. 10a–10c, popularly know as the “Buy American
18 Act”).

19 SEC. 333. No funds provided in this Act may be ex-
20 pended to conduct preleasing, leasing and related activities
21 under either the Mineral Leasing Act (30 U.S.C. 181 et
22 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
23 1331 et seq.) within the boundaries of a National Monu-
24 ment established pursuant to the Act of June 8, 1906 (16
25 U.S.C. 431 et seq.) as such boundary existed on January

1 20, 2001, except where such activities are allowed under
2 the Presidential proclamation establishing such monu-
3 ment.

4 SEC. 334. None of the funds in this Act may be used
5 to execute a final lease agreement for oil or gas develop-
6 ment in the area of the Gulf of Mexico known as Lease
7 Sale 181 prior to April 1, 2002.

8 SEC. 335. None of the funds made available in this
9 Act may be used to suspend or revise the final regulations
10 published in the Federal Register on November 21, 2000,
11 that amended part 3809 of title 43, Code of Federal Regu-
12 lations.

13 This Act may be cited as the “Department of the In-
14 terior and Related Agencies Appropriations Act, 2002”.

Passed the House of Representatives June 21, 2001.

Attest:

Clerk.

107TH CONGRESS
1ST SESSION

H. R. 2217

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.